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November 5, 2009

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Renton Planning Commission
c/o City of Renton Planning Division
Attn: Erika Conkling, Senior Planner
1055 S. Grady Way, Sixth Floor
Renton, WA 98057

City of Renton
Economic Development,
Neighborhoods & Strategic Planning

RE: The City of Renton's October 9, 2009 Draft Proposed SMP and Related Documents
**Supplemental Public Hearing Testimony on Behalf of my Client AnMarCo and
Submittal of Additional Materials Noted Herein**

Dear Commission Members:

At the Planning Commission's October 21, 2009 public hearing concerning the City of Renton's October 9, 2009 Draft proposed Shoreline Master Program (the "Draft SMP"), I testified on behalf of my client AnMarCo, the owner of the "Old Stoneway Site" located at 1915 Maple Valley Highway, a site along the Cedar River. I am now writing on behalf of AnMarCo to provide additional information and materials for the record in regard to the Draft SMP and some of the related documents that the City issued in October 2009.

**Background Information Concerning the Old Stoneway Site
along the Cedar River's North Edge**

For detailed background information concerning the Old Stoneway Site, please see the previously submitted September 11, 2009 Standard Stream Report concerning the Old Stoneway Site jointly prepared for AnMarCo by biologist Andrew C. Kindig, PhD of A.C. Kindig & Co. and by fisheries biologist Carl Hadley of Cedarrock Consultants, Inc. and the Appendix to that report.

Please also see the previously submitted September 8, 2009 letter from Dr. Kindig to the Planning Commission.

**Replies to the Portions of the City Consultant's October 9, 2009 Matrix that
Sets Forth Responses to Dr. Kindig's Previously Submitted Documents**

The City issued a matrix dated October 9, 2009 that I understand was prepared by the City's SMP consultant, David Sherrard, setting forth characterizations of and responses to public comments on the July 22, 2009 draft SMP. In relation to Mr. Sherrard's matrix characterizations

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and responses to (a) Dr. Kindig's September 8, 2009 letter to the Planning Commission and (b) the September 11, 2009 Standard Stream Report concerning the Old Stoneway Site jointly prepared by Dr. Kindig and Carl Hadley, I herewith submit a letter dated November 4, 2009 from Dr. Kindig replying thereto.¹

**My Comments on AnMarCo's Behalf Concerning the City's
Revised Draft Shoreline Inventory and Analysis (October 2009)**

A number of corrections, clarifications, and additions should be made to the City's *Revised Draft Shoreline Inventory and Analysis (October 2009)* (hereinafter referred to as the "October 2009 RDSIA". I address them in the following six subsections of this letter.

October 2009 RDSIA Page 4-38, Paragraph 5

The fifth paragraph of paragraph 5 on page 4-38 of the October 2009 RDSIA should be revised to read as follows (here and throughout this letter, proposed new text is illustrated by underlining and proposed deletions are illustrated by ~~strike-through~~):

In Reach C: existing land-use including ~~a former~~ sand and gravel and other industrial operations and a large multifamily complex have substantially altered the shoreline environment through elimination of most native vegetation and shoreline armoring. This alteration has removed most aquatic habitat value from these sections of the shoreline and has contributed to cumulative impacts to ~~of~~ alteration of the stream environment ~~that contributes to continuing trends in the decline in ecological functions including interruption of infiltration, and shading s necessary to maintain the temperatures,~~ providing organic inputs critical for aquatic life including food in the form of various insects and other benthic macroinvertebrates, filtering and vegetative uptake of nutrients and pollutants from ~~groundwater and surface runoff~~, and regulating of microclimate in the stream-riparian corridors and other functions. Single family development in the reach contributes to cumulative trends of degradation and varies depending on the intensity of development, building setbacks and the extent of alteration of vegetation and bulkheading.

AnMarCo hereby proposes these revisions for the following reasons:

¹ Note that I have intended to reply to the portions of the above-noted matrix that Mr. Sherrard prepared relating to my oral comments and previously submitted materials. Because of the massive extent of the SMP documents and the number of other aspects of this submittal that I found more pressing, I have not had an opportunity to do so. ma (the right-most column thereof replying to Mr. Sherrard's responses)

- (1) The reference to the sand and gravel operation as “former” is misleading because import and export of sand and gravel on the Old Stoneway Site as part of the continuation of the site’s historic industrial uses is ongoing;
- (2) Only mentioning “sand and gravel” operations in regard to the Old Stoneway Site is misleading because there historically have been and continue to be other industrial operations on that site;
- (3) The subject paragraph’s assertion of “continuing trends in the decline in ecological functions” is purely speculative;
- (4) The subject paragraph’s assertion of “*contribut[ion]* to continuing trends in the decline in ecological functions” (emphasis added) is also purely speculative; and
- (5) The sites of the noted sand and gravel operation and large multifamily complex are on the north side of the Cedar River, where little if any shading would have ever been provided by predevelopment vegetation.

October 2009 RDSIA Page 4-42, Last Line of Paragraph 1:

The last two sentences of the first paragraph on page 4-42 of the October 2009 RDSIA should be revised to read as follows:

There is an approximately 12.67-acre industrial large-vacant site on the north bank, east of I-405 with a continuation of historic industrial uses. The Stoneway Concrete batch plant~~This site was previously occupied a small portion of this site by the Stoneway Concrete batch plant.~~

AnMarCo hereby proposes these revisions for the following reasons:

- (1) To state the correct size of the Old Stoneway Site;
- (2) To clarify that the site is not a vacant site but, rather, an industrial site with a continuation of historic industrial uses; and
- (3) To eliminate the false impression of the last sentence that the Stoneway Concrete batch plant occupied the entire site, which is untrue.

October 2009 RDSIA Page 4-43, Table 4-9

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In view of AnMarCo's above-requested proposed correction of the noted mischaracterization of the 12.67-acre Old Stoneway Site as "vacant," AnMarCo hereby requests that the asserted "% Undeveloped Lots" (i.e., 25%) and the asserted "% Undeveloped Area" (38%) in row 3 (the CR-C row) of Table 4-9 (Existing Development of Waterfront Parcels along Cedar River) on page 4-43 of the October 2009 RDSIA be revised to reflect the correct smaller number of undeveloped lots and the correct smaller percentage of undeveloped area.

October 2009 RDSIA Page 4-43

For increased accuracy, AnMarCo hereby requests that the last of the three bullet points on page 4-43 of the October 2009 RDSIA be revised as follows:

- Compacted dirt and crushed surfacing at the Stoneway Sand and Gravel site in Reach C

October 2009 RDSIA Page 4-45

Also for increased accuracy, AnMarCo hereby requests that the next to the last sentence of the second paragraph on page 4-45 of the October 2009 RDSIA be revised as follows:

Private redevelopment of the existing industrial site (on a portion of which the former Stoneway ConcreteCement plant was located) southeast of RiverviewCedar River Park, of the Riviera Apartments, and of other properties with high intensity zoning provides opportunities for enhanced public access parallel to the shoreline as well as shoreline ecological enhancement and possibly water-oriented development.

October 2009 RDSIA Page 6-28

For correction, clarification, and remedying of omissions, AnMarCo hereby requests that the last three paragraphs on page 6-28 of the October 2009 RDSIA be revised as follows:

On the north side, the first 700 feet of river frontage are part of the City of Renton Cedar River Park. The easterly 1,170-foot-long portion of the next upstream stretcharea of about ~~1,400~~1,480 feet of riverfront is a highly altered hardened band along the industrial property (the site of the~~from~~a former Stoneway Concreteeonerete batch plant). That property has~~with~~ virtually no vegetative~~vegetation~~ cover. The next 2,500 feet is similarly altered multi-family and commercial sites. SR 169 fronts closely on the shoreline for an additional 1,200 feet with little area for riparian vegetation. East of the former railroad bridge carrying the Cedar River Trail, the north shoreline is single-family residential in segments totaling~~for~~ about 6,000 linear feet (1.13 miles) and lies immediately adjacent to the south edge of SR 160~~169 for~~in segments totaling

about another 1,000 feet. This portion of the reach is hardened to varying extents with minimal native vegetation in most areas. Most of the residential lots have lawn or ornamental vegetation extending to the water's edge.

Opportunities for maintaining and enhancing ecological productivity on the south side of the river would include maintenance of existing natural vegetation, with the potential for enhancement where clearing has taken place in the past near I-405. Opportunities on the north side include additional building setbacks, removal of hardened banks and provision of a buffer area of native vegetation. There is a likely short-term opportunity to accomplish this at the industrial site~~former concrete batch plant~~ with consideration of tradeoffs between public access and ecological enhancement required for location of ~~non-water-oriented~~non-water-oriented mixed uses, including retail/restaurant, office, or multi-family uses. The residential lots are of moderate size and generally have~~with~~ a depth of 150 to 250 feet, which requires flexibility for location of homes while providing riparian vegetation buffers.

Constraints relate largely to the existing high intensity of development on this reach and to~~the~~ the location of a state highway adjacent to the stream. The sharp bend in the Cedar River at the east end of the industrial site (with that site located at the outer edge of the bend and thus needing to deflect the high level of hydraulic energy associated with the river's current, especially during periods of high volume flows in the river) makes ongoing maintenance and use of the existing bulkhead along the industrial site critical to prevent river migration into that site and into abutting Maple Valley Highway (SR 169) and abutting Cedar River Park. (Cedar River Park is the City park that contains the drinking water wells for Renton's sole source aquifer.) The residential lots provide opportunities for native vegetation adjacent to the shoreline; however, the opportunity to apply regulations would occur only as major remodeling or replacement of residences occurs. This likely would result in a slow pace of enhancement. As for Lake Washington Reach A, considering existing land cover as nonconforming would allow enhancement when a threshold of percent of floor area or value added to a residence would trigger compliance with new standards.

**My Comments on AnMarCo's Behalf Concerning the City's
Shoreline Cumulative Effects Analysis (October 2009)**

Corrections, clarifications, and additions should also be made to the City's *Shoreline Cumulative Effects Analysis (October 2009)* (hereinafter referred to as the "October 2009 SCEA". I address them in the following two subsections of this letter.

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In the first row of Table 3-4 [Matrix for Evaluation of Cumulative Effects of Shoreline Management Plan on Ecological Productivity (continued)] on page 5-10 of the October 2009 SCEA (the row that relates to "soil erosion"), the fourth paragraph under the column heading "Effects of Proposed Shoreline Master Program and other Programs" currently states:

Future soft shoreline protection on redeveloped sites east of I-405 combined with enhanced riparian vegetation will likely maintain existing stability.

At least in regard to the Old Stoneway Site, that statement is untrue. Recall the October 13, 2009 letter from civil engineer Jeff Johnson, P.E. of Northwest Hydraulic Consultants, which I submitted into the record during the October 21, 2009 public hearing. The first three paragraphs of that letter state:

On October 9, 2009 I met with you at the project site to discuss the stability of the north bank of the Cedar River along your construction yard that is located east of Interstate 405 and fronts the Maple Valley Highway. The site is identified in the aerial photograph on the next page. The south edge of the property borders the Cedar River and is currently protected from the river by a concrete bulkhead which extends along roughly the east four-fifths of the property's river frontage.

Based upon discussions with you and your attorney, Mr. David Halinen, it is my understanding that if you were to redevelop the property under the draft Shoreline Master Program regulations that the City of Renton is considering, you may be required to remove the existing bulkhead. I recommend that you proceed with caution if you consider alternative bank protection systems or changes to the bulkhead. **The Cedar River along the property is a high energy system and, therefore, significant bank protection features are essential to prevent the river from migrating into the project site.**

To some, the bulkhead may be aesthetically unappealing and may be considered undesirable for habitat. However, the bottom line is that **a stout and robust bank protection system must be maintained to protect the people and infrastructure that will eventually occupy the site. The bulkhead is one alternative and with proper maintenance should continue to protect the bank for decades. Other alternatives can be developed, but they all will require significant rigid works and will be very expensive to construct.**

(Emphasis added.) For the record, I herewith enclose a copy of Mr. Johnson's professional resume.

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In view of the above, AnMarCo hereby requests that the above-quoted paragraph from the first row of Table 3-4 be corrected to state as follows:

Future soft shoreline protection on redeveloped sites east of I-405 combined with enhanced riparian vegetation ~~will likely~~may maintain ~~shoreline~~existing stability along some segments of the Cedar River's shorelines. Along the existing bulkheaded industrial property on the river's north bank, retention of the existing bulkhead or replacement with very expensive, significant rigid works will be necessary to prevent river migration.

October 2009 SCEA Page 5-11

The fifth paragraph on page 5-11 of the October 2009 SCEA currently states:

The SMP will not affect erosion in the Cedar Rivers constructed channel in the central part of the city. Future buffers and soft shoreline protection on redeveloped sites east of I-405 combined with enhanced riparian vegetation will likely restore streambed quality somewhat.

In view of the immediately previous subsection of this letter, that paragraph should be revised to state as follows:

The SMP will not affect erosion in the Cedar River's constructed channel in the central part of the city. Future buffers and soft shoreline protection where employed on redeveloped sites east of I-405 combined with enhanced riparian vegetation will likely restore streambed quality somewhat.

My Comments and Requests for Revisions on AnMarCo's Behalf Concerning the City's Draft SMP (October 9, 2009)

Bulkhead Issue Along the Old Stoneway Site

AnMarCo hereby objects to all provisions in the Draft SMP that could be cited as a basis for a condition of shoreline substantial development approval requiring removal of the existing bulkhead along the Old Stoneway Site. As noted above, the existing bulkhead currently protects the site from the high levels of hydraulic energy of the Cedar River that bear intensely on the site due to the bend in the river at the site's east end. With proper maintenance, that bulkhead will provide such protection for decades to come. As civil engineer Jeff Johnson has pointed out, removal of the bulkhead would necessitate replacement with very expensive, significant rigid works to prevent river migration into the site. Such river migration might not only damage the site but also damage the adjacent Maple Valley Highway (SR 169) and the adjacent Cedar River Park.

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To help assess implications of the Draft SMP's text that appears to call for removal and replacement of the existing bulkhead along the Old Stoneway Site in conjunction with site redevelopment, in a November 4, 2009 letter to the Planning Commission, fisheries biologist Carl Hadley (who testified in person before the Commission during the October 21, 2009 public hearing) summarized expected physical implications, permitting issues, costs, and analysis of environmental effects that could reasonably be expected in relation to such removal and replacement. Please review that letter (copy attached). The conclusion section of his letter states:

In my opinion, it is unreasonable to think a significant ecological benefit to the Cedar River at this location (***if any benefit at all***) could be achieved by replacing the bulkhead with a protective structure designed to provide an equivalent level of shoreline protection. The generic environmental justification cited in the Draft SMP as support to require bulkhead replacement is contradicted by site specific facts at the Old Stoneway Site. The replacement structure would alter instream flow patterns but would do little, if anything, to enhance riparian functions, alter sediment recruitment, improve water quality protection, add to salmon habitat, or support other benefits hypothesized in the Draft SMP. Moreover, the replacement bulkhead would come at the environmental expense of the loss of at least a dozen large trees as well as existing shrubs currently growing along the water's edge.

In addition to the above-noted high construction cost of bulkhead removal and replacement [a cost that on page 3 of his letter Mr. Hadley estimated to be between around \$1,200,000 and \$1,750,000], the long extra approval time periods and additional site redevelopment constraints associated with permits issued by the Federal agencies (the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service) and Ecology in conjunction with bulkhead replacement work could render a future proposed redevelopment of the Old Stoneway Site infeasible.

While improvement of salmon habitat is a worthy goal, the costs and benefits of restoration ought to be considered when establishing regulations. **In my view, the potential environmental benefit (if any) of bulkhead replacement at the Old Stoneway Site would be low, and the costs associated with completing the work would be very high.** Thus, I conclude that regulations in the proposed SMP that would mandate removal of the Old Stoneway Site's bulkhead in conjunction with future redevelopment of the site are not a sensible approach to the City's goal of salmon habitat restoration.

(Emphasis added.)

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In addition to Carl Hadley's letter, note that in the first two paragraphs of "[Dr. Kindig's] Reply to City Response 1" on pages 3 and 4 of the accompanying November 4, 2009 letter from Dr. Kindig to the Planning Commission [the letter replying to Mr. Sherrard's matrix characterizations and responses to (a) Dr. Kindig's September 8, 2009 letter to the Planning Commission and (b) the September 11, 2009 Standard Stream Report concerning the Old Stoneway Site jointly prepared by Dr. Kindig and Carl Hadley], Dr. Kindig also addresses the impropriety of the City seeking to require removal of the existing bulkhead along the Old Stoneway Site as a condition of site redevelopment. In those two paragraphs, Dr. Kindig explains:

The point of the combination of my [September 8, 2009] letter [to the Planning Commission] and our [September 11, 2009] stream report is to demonstrate that *the bulkhead does not need to be removed in order to provide significant shoreline enhancement over the existing condition and to bring public access to the site.* The issue in contention is whether it is necessary or appropriate to require "nonconforming" bulkheads to be removed or rebuilt during adjacent site redevelopment. The City Staff/consultant proposal for such a requirement is new to the City's SMP regulations. Our questioning some aspects of that City Staff/consultant-proposed new requirement regarding existing bulkheads does not make our comments irrelevant especially when the State's SMP Guidelines do not generally mandate that local SMPs require removal of existing bulkheads in connection with redevelopment of shoreline properties.

As I indicated in my public testimony, the bulkhead at this location was constructed to deflect energy of the Cedar River that, due to a bend in the river, is directly aimed at the Old Stoneway Site. Eliminating the bulkhead would expose the site to severe erosion and river migration. There is no doubt to those who have been to this location that some type of structural fortification is now and will be required if the site is to be developed at all. (For example, see the October 13, 2009 letter from civil engineer Jeff Johnson, P.E. of Northwest Hydraulic Consultants, which was submitted into the record by attorney David Halinen during the October 21, 2009 public hearing.) Note also that (a) waterward of the existing bulkhead along the Old Stoneway Site there are about 12 existing trees ranging between 8 inches and 18 inches in diameter (and many smaller trees) that would have to be removed in order to remove and replace the bulkhead and (b) due to Army Corps of Engineers' regulations, those large trees cannot be replaced. (See the November 3, 2009 letter from Carl Hadley.) **Removal of those existing trees waterward of the existing bulkhead would more than offset any minor ecological gains that replacement of the existing bulkhead with a "conforming" shoreline protection and the lost function from these existing trees could not be mitigated.**

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(Emphasis added.)

Note that although the City's SMP consultant, land use planner David Sherrard, has derided the application of RCW 82.02.020 as a substantive limit on the City's authority in establishing SMP regulations bearing on development of private property, RCW 82.02.020 and the constitutional regulatory takings doctrine provide substantive limits on the City's authority to enact and enforce SMP regulations. (See pages 3 through 7 of my September 11, 2009 letter to the Commission.²) Establishing development regulations that would require removal of the

² As I explained on portions of pages 3 and 4 of my September 11, 2009 letter to the Commission:

Chapter 173-26 WAC stresses that (a) the planning policies and regulatory provisions of master programs may be achieved by means other than the regulation of development and (b) relevant constitutional and legal limitations that protect private property rights must be respected. Among other statements in Chapter 173-26 WAC to that effect is the following excerpt from WAC 173-26-186 (Governing principles of the guidelines):

The governing principles listed below are intended to articulate a set of foundational concepts that underpin the guidelines, *guide the development of the planning policies and regulatory provisions of master programs*, and provide direction to the department in reviewing and approving master programs. These governing principles, along with the policy statement of RCW 90.58.020, other relevant provisions of the act, the regulatory reform policies and provisions of RCW 34.05.328, and the policy goals set forth in WAC 173-26-176 and 173-26-181 **should be used to assist in interpretation of any ambiguous provisions and reconciliation of any conflicting provisions of the guidelines.**

*
*
*

(4) The planning policies of master programs (as distinguished from the development regulations of master programs) may be achieved by a number of means, only one of which is the regulation of development. Other means, as authorized by RCW 90.58.240, include, but are not limited to: The acquisition of lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other local governments; and accepting grants, contributions, and appropriations from any public or private agency or individual. Additional other means may include, but are not limited to, public facility and park planning, watershed planning, voluntary salmon recovery projects and incentive programs.

(5) The policy goals of the act, implemented by the planning policies of master programs, may not be achievable by development regulation alone. Planning policies should be pursued *through the regulation of development of private property only to an extent that is consistent with all relevant constitutional and other legal limitations (where applicable, statutory limitations such as those contained in chapter 82.02 RCW and RCW 43.21C.060) on the regulation of private property.* Local government should use a process designed to assure that proposed regulatory or administrative actions do not unconstitutionally infringe upon private property rights.

(Emphasis added.)

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existing bulkhead along the Old Stoneway Site as a condition of shoreline substantial development approval for site redevelopment would violate the nexus and rough proportionality tests that are part of the legal analysis under RCW 82.02.020 and the constitutional analysis under the regulatory takings doctrine and would thus be unlawful and unconstitutional. Those tests are explained in the excerpts from *Citizens' Alliance for Property Rights v. Sims*, 145 Wn. App. 649, 187 P.3d 786 (2008) set forth on pages 5, 6 and 7 of my September 11, 2009 letter to the Planning Commission.

As the *Sims* case makes clear, the City (*not* the owners of regulated shoreline properties) has the burden of proving both nexus and rough proportionality. The City has not even attempted to prove (let alone proven) either nexus or rough proportionality. To satisfy the nexus test in relation to sites with existing conditions like those at the Old Stoneway Site (i.e., bulkheaded industrial sites along a river with virtually no existing vegetation landward of the existing bulkhead), the City would have to establish a nexus between:

- (a) An identified public problem *caused or exacerbated by redevelopment on such sites* where redevelopment pursuant to the likely future proposals for site redevelopment along the existing bulkhead (i) would be primarily or exclusively for non-water-oriented uses, (ii) would involve a public pathway within a specified corridor measured from the line of ordinary high water of adequate minimum width to provide shoreline ecological enhancement by installation of native vegetation within the corridor, and (iii) would not involve bulkhead alteration to protect the site being redeveloped; and
- (b) The alleviation of the identified public problem by the blanket (draconian) calls for nonconforming bulkhead removal (and replacement if permitted) pursuant to Section 4-10-095.F.1 of the Draft SMP if either "moderate alteration" or "substantial alteration or redevelopment" is proposed.

Note that the nexus test could not possibly be satisfied in the event of such a likely redevelopment proposal on sites with existing conditions like those at the Old Stoneway Site³ *because the likely proposed redevelopment would not itself create any problem justifying a need*

³ Note in the next to last paragraph on page 6-28 of the October 2009 RDSIA that the City contemplates a proposed development of non-water-oriented uses with public access and ecological enhancement at the Old Stoneway Site. The next to last sentence of that paragraph states:

There is a likely short-term opportunity to accomplish this at the former concrete batch plant with consideration of tradeoffs between *public access* and *ecological enhancement* required for location of *non-water-oriented mixed uses*, including retail/restaurant, office, or multi-family uses.

(Emphasis added.)

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for bulkhead replacement. Further, because the nexus test could not possibly be satisfied, the rough proportionality test does not even come into play.

In view of the above and to fairly and appropriately address bulkhead issues, AnMarCo herewith submits to the Planning Commission its proposed redlined, revised versions of Sections 4-3-090G4 and 4-10-095 of the Draft SMP and hereby requests that the Commission vote to recommend that the City Council adopt them as substitutes for existing Sections 4-3-090G4 and 4-10-095 of the Draft SMP.

Other Issues

In addition to the proposed redlined, revised versions of Sections 4-3-090G4 and 4-10-095 of the Draft SMP, I am herewith forwarding you a binder containing my proposed redlined, revised version of the entire Draft SMP. In it, I have embedded some comments in yellow-highlighting. (I would have embedded further comments in it but for the press of time.)

My Highlighted Excerpts from the City of Marysville's Adopted SMP and My October 30, 2009 Letter to Planning Director Chip Vincent Concerning Them

During an October 15, 2009 meeting with Renton Planning Director Chip Vincent and other Renton officials, Mr. Vincent suggested to me that it would be helpful in regard to the City's consideration of AnMarCo's requested revisions for me to submit to you an example of another city's SMP (an SMP that sets forth the type of provisions AnMarCo is requesting that Renton adopt), an example for which both of the following are true:

- (1) The SMP has already been updated under the State of Washington Department of Ecology's current SMP Guidelines (i.e., the guidelines that became effective on January 17, 2004 and are codified under Chapter 173-26 WAC); and
- (2) The SMP has already been approved by Ecology.

He explained that such a submittal of another city's SMP would be helpful because it would illustrate to the City of Renton that Ecology has already set a precedent for approving such provisions.

In follow-up to Mr. Vincent's suggestion, I obtained from the Web and reviewed the October 2006 City of Marysville SMP. On page 2 of Ecology's two-page Shoreline Management Web site, Marysville's SMP is listed as one of the "Master programs updated in accordance with the SMP Guidelines that took effect on January 17, 2004." I also phoned and spoke to Marysville Planning Manager Cheryl Dungan, who told me that she was Marysville's lead planner for development of the Marysville SMP and that the Marysville SMP was in fact (a)

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updated in accordance with the SMP Guidelines that took effect on January 17, 2004 and (b) approved by Ecology.

In follow-up, I color-marked-up numerous excerpted pages from Marysville's SMP (a set of copies of which is herewith provided to you). I also am herewith providing you a copy of my October 30, 2009 letter to Mr. Vincent along with a set of all of the attachments thereto referenced therein. My purpose for providing you these items is to illustrate that another City has adopted an SMP that is in many ways less restrictive of private property usage (especially in the High Intensity district) than is Renton's October 9, 2009 Draft SMP. Please review these items with that in mind.

**My Request That You Extend the Period for Submittal
of Written Materials for the Record**

On AnMarCo's behalf, I hereby request that you either (a) extend the period during which written materials can be submitted into the record concerning the October 9, 2009 Draft SMP or (b) provide an opportunity for public comment on a further draft. Note that the City issued on October 9, 2009 not only an updated Draft SMP but also a *Revised Draft Shoreline Inventory and Analysis*, a *Revised Draft Shoreline Inventory and Analysis*, a *Shoreline Cumulative Effects Analysis*. Those documents collectively are massive and more time is reasonably needed for review and comment concerning them.

Thank you for your consideration of this letter and companion materials and for your continued long work on the Commission concerning the proposed SMP. Should you have any questions or comments concerning this submittal, please feel free to phone me at (206) 443-4684 or email me at davidhalinen@halinenlaw.com.

Thank you for your cooperation.

Sincerely,

HALINEN LAW OFFICES, P.S.


David L. Halinen

Enclosures (as noted)

cc: AnMarCo
Attn: Donald J. Merlino, Partner (with copies of enclosures)

Andrew C. Kindig, PhD, A.C. Kindig & Co. (with copies of enclosures)

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Carl Hadley, Cedarock Consultants, Inc. (with copies of enclosures)

City of Renton Planning Division
Attn: C. E. "Chip" Vincent, Planning Director (with copies of enclosures)
Attn: Erika Conkling, Senior Planner (with copies of enclosures)

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CITY OF RENTON

SHORELINE MASTER PROGRAM

PUBLIC HEARING DRAFT October 9, 2009

[With attorney David Halinen's November 5, 2009 proposed redlined
revisions and comments on behalf of AnMarCo]

Note: David Halinen's November 4, 2009 proposed redlined revisions on behalf of
AnMarCo concerning Sections 4-3-090G4 and 4-10-095 are set forth in separate
documents.

Prepared by

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Economic Development,
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and Sites
- SECTION VI.** Amendment of Renton Municipal Code Chapter 3 ENVIRONMENTAL
REGULATIONS AND OVERLAY DISTRICTS Section 4-10-095 to
add the definitions specific to the Shoreline Master Program

ORDINANCE NO. _____

WHEREAS, the people of the State of Washington enacted the Shoreline Management Act (RCW 90.58) by a vote of the people in 1971; and

WHEREAS, the Growth Management Act (RCW 36.70A.480) adds the goals and policies of the shoreline management act as set forth in RCW 90.58.020 as one of the goals of the Growth Management Act without creating an order of priority among the fourteen goals and the goals and policies of a shoreline master program for a city shall be considered an element of the city's comprehensive plan; and

WHEREAS, the Shoreline Management Act (RCW 90.58.080) provides a timetable that requires Renton to amend its master program by December 1, 2009, and the City received a grant from the Department of Ecology to support the update process; and

WHEREAS, the City developed a comprehensive public involvement plan that provided widespread public notice and held periodic public workshop meetings and Public Hearings with the Planning Commission between Spring 2008 and Autumn 2009 and City Council Meetings in 2009; and

WHEREAS, the City developed a Shoreline Inventory and Characterization document and distributed it for agency and public review and compiled and responded to comments and issued a Final document in October 2009; and

WHEREAS, the City developed a series of Technical Memoranda on specific topics relevant to the Shoreline Master Plan and held a series of public workshops on the documents and compiled and responded to comments; and

WHEREAS, the City issued a Draft Shoreline Master Program in July 2009 and considered and responded to government agency and public comments and prepared a Revised Draft Shoreline Master Program in October 2009; and

WHEREAS, the City issued a Draft Cumulative Impacts Analysis in July 2009 and considered and responded to government agency and public comments and prepared a Revised Cumulative Impacts Analysis in October 2009; and

WHEREAS, the City issued a Draft Restoration Plan in October 2009 and considered and responded to government agency and public comments; and

WHEREAS, the documents considered by the City in its Shoreline Master Program regulation update are listed in Exhibit A; and

WHEREAS, such modification and integration of the Shoreline Master Program is in the best interest of the public; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RENTON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

SECTION I I. The above findings are true and correct in all respects. This ordinance is also supported by the following conclusions based on the adopted findings.

- 1) The City followed its established public participation program;
- 2) Revisions are needed to the Shoreline Master Program;
- 3) All development standards within these sections were reviewed and found to be in compliance with the Shoreline Management Act; and
- 5) The amendments to the Shoreline Master Program in this Ordinance are intended to provide for the management of the shorelines of the City by planning for and fostering all reasonable and appropriate uses. This policy is designed to ensure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
- 6) The Cumulative Effects Analysis for the Shoreline Master Program in this Ordinance demonstrates that the program will make a positive contribution to maintaining and enhancing the ecological functions of the shoreline in Renton, particularly in reference to near-shore habitat that is critical for an early life-cycle stage for Chinook salmon that are currently listed pursuant to the Endangered Species Act.

SECTION II. The Renton Comprehensive Plan is hereby amended to provide a new Element: Shoreline Management

Shoreline Management Goals

The City adopts the goals of the Shoreline Management Act as provided in RCW 90.58.020 and as particularly relevant to Renton.

1. The shoreline jurisdiction is one of the most valuable and fragile of the City's natural resources. There is appropriate concern throughout the watershed and the greater Puget Sound Region relating to the utilization, protection, restoration, and preservation of the shoreline jurisdiction.
2. Ever increasing pressures of additional use are being placed on the shoreline jurisdiction, which in turn necessitates increased coordination in its management and development.
3. Much of the shoreline jurisdiction and the uplands adjacent thereto are in private ownership. Unrestricted construction on the privately owned or publicly owned shorelines is not in the best public interest; therefore, coordinated planning is necessary in order to protect the public interest associated with the shoreline jurisdiction while recognizing and protecting private property rights consistent with the public interest.
4. There is a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the City's shoreline jurisdiction.
5. It is the intent of the City to provide for the management of the shoreline jurisdiction by planning for and fostering all reasonable and appropriate uses. This program is designed

to ensure the development in a manner that, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest.

6. The City's shoreline policies are intended to protect against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.
7. In the implementation of this program, the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines shall be preserved to the greatest extent feasible consistent with the overall best interest of the state, the county, and the people generally. To this end, uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the state's shoreline.
8. Alterations of the natural condition of the shoreline jurisdiction, in those limited instances when authorized, shall be given priority for single family residences and their appurtenant structures; ports; shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines; industrial and commercial developments that are particularly dependent on their location on or use of the shoreline jurisdiction; and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines.
9. Permitted uses in the shorelines zone shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline jurisdiction and any interference with the public's use of the water.

INTRODUCTION

The Washington State Shoreline Management Act (the Act) passed in 1971 and is based on the philosophy that the shorelines of our state are among our most "valuable" and "fragile" natural resources and that unrestricted development of these resources is not in the best public interest. Therefore, planning and management are necessary in order to prevent the harmful effects of uncoordinated and piece-meal development of our state's shorelines.

Shorelines are of limited supply and are faced with rapidly increasing demands for uses such as marinas, fishing, swimming and scenic views, as well as recreation, private housing, commercial and industrial uses.

The policy goals for the management of shorelines harbor potential for conflict. The Act recognizes that the shorelines and the waters they encompass are "among the most valuable and fragile" of the state's natural resources. They are valuable for economically productive industrial and commercial uses, recreation, navigation, residential amenity, scientific research and education. They are fragile because they depend upon balanced physical, biological, and chemical systems that may be adversely altered by natural forces and human conduct. Unbridled use of shorelines ultimately could destroy their utility and value. The prohibition of all use of shorelines also could eliminate their human utility and value. Thus, the policy goals of the Act relate both to utilization and protection of the extremely valuable and vulnerable shoreline resources of the state. The act calls for the accommodation of "all reasonable and appropriate uses" consistent with "protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life" and consistent with "public rights of navigation. The planning policies of master programs (as distinguished from the development regulations) may be achieved by a number of means, only one of which is the regulation of development. Other

means, as authorized by Revised Code of Washington (RCW) 90.58.240, include, but are not limited to: the acquisition of lands and easements within shorelines of the state by purchase, lease, or gift, either alone or in concert with other local governments, and accepting grants, contributions, and appropriations from any public or private agency or individual. Additional other means may include, but are not limited to, public facility and park planning, watershed planning, voluntary salmon recovery projects, and incentive programs.

Through numerous references to and emphasis on the maintenance, protection, restoration, and preservation of "fragile" shoreline, "natural resources," "public health," "the land and its vegetation and wildlife," "the waters and their aquatic life," "ecology," and "environment," the Act makes protection of the shoreline environment an essential statewide policy goal consistent with the other policy goals of the Act. It is recognized that shoreline ecological functions may be impaired not only by shoreline development subject to the substantial development permit requirement of the Act but also by past actions, unregulated activities, and development that is exempt from the Act's permit requirements. The principle regarding protection of shoreline ecological systems is accomplished by these guidelines in several ways, and in the context of related principles.

Local Responsibility

Under the Washington State Shoreline Management Act, local governments have the primary responsibility for initiating the planning program and administering the regulatory requirements of the Act, with the Washington State Department of Ecology acting in a supportive, review, or approval capacity depending on the particular shoreline proposal and regulatory requirements.

As set forth in the provisions of the Act, local governments must fulfill the following basic requirements:

- Use a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.
- Include policies and regulations designed to achieve no net loss of those ecological functions, including:
 - Regulations and mitigation standards ensuring that each permitted development will not cause a net loss of ecological functions of the shoreline.
 - Local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.
- Include goals and policies that provide for restoration of impaired ecological functions that include identifying existing policies and programs that contribute to planned restoration goals, as well as any additional policies and programs that local government will implement to achieve its goals. This Master Program element considers established or funded non-regulatory policies and the direct or indirect effects of other regulatory or non-regulatory programs.
- Evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the Act, address adverse cumulative impacts, and fairly allocate the burden of addressing cumulative impacts among development opportunities.

Development of the Master Program

The Washington State Shoreline Management Act of 1971 (RCW 90.58) directs all local governments to develop a Master Program for the management of all shorelines of the state and associated shore lands that are under the local governments' jurisdictions.

Shoreline management is most effective and efficient when accomplished within the context of comprehensive planning. The Growth Management Act requires mutual and internal consistency between the comprehensive plan elements and implementing development regulations (RCW 36.70A).

This Master Program has been prepared and updated to comply with the requirements of the Shoreline Management and Growth Management Acts and to formulate guidelines that will regulate the utilization and development of the shorelines within the City of Renton. As part of this Master Program, the City of Renton has established administrative provisions, including a permit system for any substantial development, as well as review provisions to ensure that all development complies with the policies and regulations of the program.

The City of Renton has conducted a comprehensive inventory of the natural characteristics, present land uses, and patterns of ownership along the City's shoreline that provides a substantial information base for understanding ecological functions and other considerations for the development of this Master Program update.

The City of Renton, with the involvement of its local citizens, agencies, and interested parties has developed this Shoreline Master Program to serve as both a planning guide and resource for specific regulations pertaining to development and use of the shorelines in Renton. Included is a description of the goals, objectives, policies, environments, use regulations, and provisions for variances and conditional uses.

The basic intent of this Master Program is to provide for the management of shorelines of the state within Renton's jurisdiction by planning for and fostering all reasonable and appropriate uses and to ensure, if development takes place, that it is done in a manner which will promote and enhance the best interests of the general public. This Master Program has further been composed to protect the public interest and general welfare in shorelines and, at the same time, to recognize and protect the legal property rights of owners consistent with the public interest. The goals and policies of this Master Program are formulated so as to enhance the public use and enjoyment of the shorelines. It is recognized that the Shorelines of the State found in Renton are located within a major urbanized area, and that they are subject to ever increasing pressures of additional uses necessitating increased coordination in the management and development of the shorelines. This program is a planned, rational, and concerted effort to increase coordinated and optimum utilization of the Shorelines of the State in Renton.

Regulated Shorelines

Overview: Approximately 18 miles of shoreline in the City of Renton are under the jurisdiction of the Shoreline Management Act of 1971. By statutory standards, the Green River and Lake Washington are classified as Shorelines of Statewide Significance, and comprise approximately 5.8 miles of the Shorelines of the State regulated by City of Renton. In addition, the shorelines of the Cedar River, Black River, Springbrook Creek, and May Creek are shorelines within the City. These 18 miles of shoreline in the City of Renton are an extremely valuable resource not only to the City of Renton, but also for the watersheds of which they are part and for the greater Puget Sound community of which Renton is an integral part.

Shoreline Jurisdiction: In the City of Renton, the following bodies of water are regulated by the Act:

Applicability: The Renton Shoreline Master Program applies to Shorelines of the State, which includes Shorelines of Statewide Significance and Shorelines as defined in Renton Municipal Code (RMC) 4-11 and as listed below.

1. Shorelines of Statewide Significance:
 - a. Lake Washington
 - b. Green River (The area within the ordinary high water mark of the Green River is not within the Renton City Limits, but portions of the 200-foot shoreline jurisdiction are within city limits.)
2. Shorelines:
 - a. Cedar River
 - b. May Creek from the intersection of May Creek and NE 31st Street in the southeast quarter of the southeast quarter of Section 32-24-5E WM
 - c. Black River
 - d. Springbrook Creek from the Black River on the north to SW 43rd Street on the south
 - e. Lake Desire (in the city's future annexation area)

Extent of Shoreline Jurisdiction: The jurisdictional area includes:

1. Lands within 200 feet, as measured on a horizontal plane, from the ordinary high water mark, or lands within 200 feet from floodways, whichever is greater;
2. Contiguous floodplain areas; and
3. All marshes, bogs, swamps, and river deltas associated with streams, lakes, and tidal waters that are subject to the provisions of the State Shoreline Management Act.

Shorelines of Statewide Significance: Each shoreline has its own unique qualities which make it valuable, particularly Shorelines of Statewide Significance, which in Renton include Lake Washington and the Green River. Preference is, therefore, given to the following uses in descending order of priority (as established by Chapter 90.58.020 RCW) for Shorelines of Statewide Significance:

1. Recognize and protect the statewide interest over local interest for Shorelines of Statewide Significance.
2. Preserve the natural character of the shorelines.
3. Result in long-term over short-term benefits.
4. Protect the resources and ecology of the shorelines.
5. Increase public access to publicly owned areas of the shorelines.
6. Increase recreational opportunities for the public in the shoreline.

7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

Geographic Environments: Shorelines are classified into separate geographic areas known as “use environments” based upon current development pattern, biophysical capabilities, and other factors. Policies, standards, and regulations can be customized by the use environment, shoreline, and other uses depending on need. Generally, regulated shorelines include the water bodies and their shorelands extending landward from the floodway or ordinary high water mark for 200 feet in all directions. This jurisdictional area increases to include all marshes, bogs, swamps, and river deltas associated with the regulated Shorelines of the State. The total of this area is subject to shoreline use classification and regulation.

The overlay districts in the Renton Shoreline Master Program are classified as zoning overlay districts and include:

1. Shoreline Natural Environment Overlay District
2. Shoreline Urban Conservancy Environment Overlay District
3. Shoreline Single Family Residential Overlay District
4. Shoreline High-Intensity Overlay District
5. Shoreline Isolated High-Intensity Overlay District
6. Aquatic Environment Overlay District

These environmental use classifications are described in detail in Chapter 5 and Allowed Uses and Conditional Uses are addressed in Chapter 7.

Goals and Policies

Shoreline Uses and Activities Element

Objective SH-A. Provide for use of the limited water resource consistent with the goals of the Shoreline Management Act by providing a preference for water-oriented uses.

Objective SH-B. Provide that the policies, regulations, and administration of the Shoreline Master Program ensure that new uses, development, and redevelopment within the shoreline jurisdiction do not cause a net loss of shoreline ecological functions.

Objective SH-C. Ensure that the policies, regulations, and administration of the Shoreline Master Program are consistent with the land use vision of the City’s Comprehensive Plan.

Policy SH-1. Reasonable and appropriate shoreline uses and activities should be planned for:

1. Short-term economic gain or convenience in development should be evaluated in relationship to potential long-term effects on the shoreline.
2. Preference should be given to those uses or activities which enhance the natural functions of shorelines, including reserving appropriate areas for protecting and restoring ecological functions to control pollution and prevent

damage to the natural environment and public health.

3. Provide for the following priority in shoreline use and modification of the shoreline:
 - (a) Water-dependent and associated water-related uses are the highest priority for shorelines unless protection of the existing natural resource values of such areas precludes such uses.
 - (b) Water-related and water-enjoyment uses that are compatible with ecological protection and restoration objectives, provided that adequate area is reserved for future water-dependent and water-related uses.
 - (c) Mixed-use developments may be allowed if they include and support water-dependent uses and contribute to the objectives of the act including ecological protection and restoration and public access
 - (d) Limit non-water-oriented uses to those locations where access to the water is not provided or where the non-water-oriented uses contribute to the objectives of the Act, including ecological protection and restoration and public access.
4. Recognize existing single-family residential uses and neighborhood character and ensure that existing uses, new uses, and alteration of facilities:
 - (a) Do not result in a net loss of shoreline ecological functions.
 - (b) Avoid disturbance of unique and fragile areas.
 - (c) Are provided with adequate public services including water, sanitary sewer, and stormwater management.
5. Future shoreline subdivision, multi-family developments, and planned urban developments of four or more units should provide public benefits, including ecological protection and restoration, and public access.
6. New residential developments should provide open space areas at or near the shoreline through clustering.

Policy SH -2.

Aesthetic considerations should be integrated with new development, extensive redevelopment of existing facilities, or for general enhancement of shoreline areas and should include:

1. Identification and preservation of areas with scenic vistas and areas where the shoreline has high aesthetic value as seen from both upland areas, areas across the water, and recreational and other uses on the water.
2. Appropriate regulations and criteria should ensure that development provides designs that contribute to the aesthetic enjoyment of the shoreline for a substantial number of people and provide the public with the ability to reach,

touch, and enjoy the water's edge and view the water and shoreline.

3. Regulations and criteria for building siting, maximum height, setbacks, screening, architectural controls, sign regulations, designation of view corridors, and other provisions should ensure that development minimizes adverse impacts on views of the water from public property or views enjoyed by a substantial number of residences.

Policy SH -3. All shoreline policies, regulations, and development shall recognize and protect private rights consistent with the public interest and, to the extent feasible, shall be designed and constructed to protect the rights and privacy of adjacent property owners. Shoreline uses and activities should be discouraged if they would cause significant noise or odor or unsafe conditions that would impede the achievement of shoreline use preferences on the site or on adjacent or abutting sites.

Conservation Element

Objective SH-D. The resources and amenities of all shorelines and the ecological processes and functions they provide, such as wetlands, upland and aquatic vegetation, fish and wildlife species and habitats, as well as scenic vistas and aesthetics should be protected and preserved for use and enjoyment by present and future generations.

Policy SH-4. Existing natural resources should be conserved through regulatory and non-regulatory means that may include regulation of development within the shoreline jurisdiction, ecologically sound design, and restoration programs, including:

1. Water quality and water flow should be maintained at a level to permit recreational use, to provide a suitable habitat for desirable forms of aquatic life, and to satisfy other required human needs.
2. Aquatic habitats and spawning grounds should be protected, improved and, if feasible, increased.
3. Wildlife habitats should be protected, improved and, if feasible, increased.
4. Unique natural areas should be designated and maintained as open space for passive forms of recreation. Access and use should be restricted, if necessary, for the conservation of these areas.

Policy SH-5. Existing and future activities on all Shorelines of the State regulated by the City of Renton should be designed to ensure, at a minimum, no net loss of ecological functions.

Policy SH-6. The City of Renton should take aggressive action with responsible government agencies to assure that surface water management in all drainage basins is considered an integral part of shoreline planning.

1. Soil erosion and sedimentation that adversely affect any shoreline within the City of Renton will be prevented or controlled.
2. The contamination of existing water courses will be prevented or controlled.

Policy SH-7. Shoreline areas having historical, cultural, educational, or scientific value should be identified and protected.

1. Public and private cooperation should be encouraged in site identification, preservation, and protection.
2. Suspected or newly discovered sites should be kept free from intrusions for a reasonable time until their value is determined.

Policy SH-8. Critical areas in the shoreline should be managed to achieve the planning objectives of the protection of existing ecological functions and ecosystem-wide processes and restoration of degraded ecological functions and ecosystem-wide processes. The regulatory provisions for critical areas shall protect existing ecological functions and ecosystem-wide processes. In protecting and restoring critical areas within the shoreline, the City will integrate the full spectrum of planning and regulatory measures, including the comprehensive plan, interlocal watershed plans, local development regulations, and state, tribal, and federal programs.

Policy SH-9. The City shall implement the Restoration Plan provided as an adjunct to this Program in coordination with other watershed management agencies and groups, and shall manage public lands and may acquire key properties and provide for off-site mitigation on city or other public or private sites.

Economic Element

Objective SH-E. Existing economic uses and activities on the shorelines should be recognized and economic uses or activities that are water-oriented should be encouraged.

Policy SH-10. Shoreline uses should be integrated with the land use vision of the Comprehensive Plan. Harbor areas in Renton do not have reasonable commercial navigational accessibility and necessary support facilities such as transportation and utilities to warrant reservation for commercial ports and related uses. Water-dependent and water-oriented uses should be encouraged in mixed use development to provide opportunities for substantial numbers of people to enjoy the shorelines. Mixed uses shall prove a significant public benefit with respect to the Shoreline Management Act's objectives such as providing ecological restoration and public access to and along the water's edge.

Policy SH-11. Future economic uses and activities should utilize the shoreline to achieve the use and other goals of the Act and this Program, including:

1. Where appropriate, Economic uses and activities should locate the water-dependent and water-oriented portion of their development along the shoreline and place inland all facilities that do not require a water's edge location. In the High Intensity Overlay, non-water-oriented uses may be permitted within the shoreline consistent with other provisions of the Act and this Program.
2. New over-water structures should be limited to water-dependent use and the length, width, and height of over-water structures should be limited to the smallest reasonable dimensions.

3. Shoreline developments should be designed to maintain or enhance aesthetic values and scenic views.

Policy SH-12. Shoreline facilities for the moorage and servicing of boats and other vessels may be allowed in appropriate locations within residential, commercial, and other areas, provided they are located and designed to result in no net loss of ecological functions.

1. Shared moorage is encouraged over individual single family docks.
2. Commercial docks and marinas should meet all health standards. Marinas and other economic activities should be required to contain and clean up spills or discharges of pollutants associated with boating activities.
3. Shoreline facilities for the moorage and servicing of boats and other vessels should be developed in size and location when it would not impair unique or fragile areas, or impact federal or state-listed species.

Policy SH-13. The expansion of log raft storage on Lake Washington should be discouraged.

Policy SH-14. All economic activities on the shoreline shall provide for no net loss of ecological functions during construction and operation ~~including interruption of natural ecological processes.~~

Policy SH-15. Festivals and temporary uses providing public benefits such as recreation or public access, and which are compatible with ecological functions, including water quality, water flow, habitat, or unique and fragile areas, may be permitted with appropriate review and conditions.

Public Access Element

Objective SH-F. Increase public accessibility to shorelines and preserve and improve the natural amenities.

Policy SH-16. Public access should be provided consistent with the existing character of the shoreline and consideration of opportunities and constraints for physical and visual access, as well as consideration of ecological functions, as provided in Table 4.04 below, and in conjunction with the following policies.

Policy SH-17. Public access to and along the water's edge should be available throughout publicly owned shoreline areas although direct physical access to the water's edge may be restricted to protect shoreline ecological values. Public access shall be provided over all public aquatic lands leased for private activity, consistent with compatibility with water-dependent uses.

Policy SH-18. Public access from public streets shall be made available over public property and may be acquired by easement or other means over intervening private property.

Policy SH-19. Future multi-family, planned unit developments, subdivisions, commercial, and industrial developments should~~shall~~ provide physical and visual public access along the water's edge consistent with the policy provided in Table 4.04.

- Policy SH-20.** Public access to and along the water's edge should be located, designed, and maintained in a manner that protects the natural environment and shoreline ecological functions and is consistent with public safety as well as compatible with water-dependent uses. Preservation or improvement of the natural processes ~~should~~shall be a basic consideration in the design of shoreline areas to which public access is provided, including trail systems.
- Policy SH-21.** When making extensive modifications or extensions to existing commercial, industrial,, multi-family planned unit developments, or subdivisions, and public facilities, public access to and along the water's edge should be provided if physically feasible.
- Policy SH-22.** Both passive and active public areas ~~should~~shall be designed and provided.
- Policy SH-23.** In order to encourage public use of the shoreline corridor, public parking shall be provided at frequent locations on public lands and rights of way ~~and may be required on private development.~~
- Policy SH-24.** In planning for public access, emphasis should be placed on foot and bicycle paths consistent with the Trails Master Plan, rather than roads, except in areas where public boat launching would be desirable.
- Policy SH-25.** Physical or visual access to shorelines should be required as a condition of approval for open space tax designations pursuant to RCW 84.34.
- Policy SH-26.** Development and management of public access should recognize the need to address adverse impacts to adjacent private shoreline properties and should recognize and be consistent with legal property rights of the owner. Just compensation shall be provided to property owners for land acquired for public use. Private access to the publicly owned shoreline corridor ~~should~~shall be provided to owners of property contiguous to said corridor in common with the public.

Policy SH-27 Table of Public Access Objectives by Reach

SHORELINE REACH Location Public Access Objectives

Lake Washington		
Lake Washington Reach A	From Bellevue city limits to Renton city limits	This developed primarily single-family area currently provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include visual access from public trail development along the railroad right of way inland of the residential lots; however, views may be limited by topography and vegetation. Access to the water should be pursued at an existing undeveloped railroad right of way, including parcels used for utilities and potential acquisition of parcels, with emphasis on parcels that are not currently developed because they do not currently have roadway access.
Lake Washington Reach B	From the city limits to the Seahawks training facility	This is primarily a single-family area with one multi-family development immediately south of the Seahawks Training Center. There is currently no public access. There is a public trail along I-405, but it does not have views of the water. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely, but should be pursued if such development occurs. Public agency actions to improve public access should include visual access from trail development along the railroad right of way inland of the residential lots (however, views may be limited by topography and vegetation) and potential acquisition of opportunities for public access to the water.
Lake Washington Reach C	From the Seattle Seahawks headquarters and training facility through the former Barbee Mill site.	This reach includes the recently constructed Seattle Seahawks headquarters and training facility to the north and the Barbee Mill subdivision to the south. The Quendall Terminals parcel between the Seahawks and Barbee Mill sites is a Superfund site contaminated with coal tar and creosote. There is public access along a portion of the shoreline at the Seahawks site and adjacent to May Creek at the Barbee Mill subdivision. Public harbor lands are along about a third of the subdivision water frontage. The potential for provision of public access from new development will occur after cleanup of the Superfund site with multi-use development that should offer shoreline access across the entire property, consistent with vegetation conservation. Provision of public access from future redevelopment of the Seahawks and Barbee Mill site is possible under the existing zoning,

**SHORELINE
REACH****Location****Public Access Objectives**

		<p>which allows higher intensity use and provides an opportunity for continuous public access parallel to the shoreline. Public access should be provided to shared or commercial docks. Public agency actions to improve public access should include visual access from a future trail along the railroad (views may be limited to the northerly and southerly portion of the reach because of distance to the water and potential blockage by intervening buildings); enhancement of the May Creek trail to public streets; access on public aquatic lands; and potential acquisition of public access to the water.</p>
Lake Washington Reach D	From May Creek to Mountain View Avenue	<p>This reach is a single-family area with no public access except Kennydale Park. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include visual access from public trail development along the railroad right of way; pedestrian and bicycle access on Lake Washington Boulevard; public viewing areas and possible public acquisition of access to the water including an existing undeveloped railroad right of way adjacent to the water; and potential public right of way and potential public acquisition of selected parcels, including undeveloped parcels with development constraints.</p>
Lake Washington Reach E	From Mountain View Avenue to Gene Coulon Park	<p>This reach is a single-family area with no existing public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include visual access from public trail development along the railroad right of way; pedestrian and bicycle access on Lake Washington Boulevard; public viewing areas and possible public acquisition of access to the water including an existing undeveloped railroad right of way adjacent to the water; possible public street ends; and potential public acquisition of selected parcels.</p>
Lake Washington Reach F	The less developed northerly portion of Gene Coulon Park	<p>Public access is currently provided by a trail system through the park and a variety of primarily passive recreational facilities, a fishing pier, and a moorage dock. Public access is one element of park functions that should be continued and incorporated in future plans and balanced with goals for providing recreation and improving ecologic functions. Other public agency actions to improve public access should include visual access from public trail development along the railroad right of way, and pedestrian and bicycle access on</p>

**SHORELINE
REACH****Location****Public Access Objectives**

		Lake Washington Boulevard including addition of public viewing areas.
Lake Washington Reach G	The more developed southerly portion of Gene Coulon Park	Public access is currently provided by a trail system through the park together with a variety of passive and active recreational facilities, a boat launch, over-water facilities, and concession facilities. Public access is one element of park functions that should be continued and incorporated in future plans, as well as balanced with goals for providing recreation and improving ecologic functions.
Lake Washington Reach H	Southport development	Public access is currently provided along the waterfront and should continue in the future as part of multi-use development of the remainder of the property. The design should include supporting water-oriented uses and amenities such as seating and landscaping.
Lake Washington Reach I	Boeing Plant and to the Cedar River	This reach is about one-third public harbor lands at the water's edge and two-thirds is the Boeing Company's site. Inland ownership is entirely the Renton Boeing Plant. Public access in this area includes the Cedar River Boathouse located on pilings in Lake Washington and accessed from the west from the Cedar River Trail. The boathouse includes a public fishing area and provides canoe and kayak rentals, classes, and guided trips. There is currently no public access on public lands. In the future, if the Boeing site is redeveloped public access should be provided, balanced with goals for ecological restoration. Public agency actions to improve public access in the shorter term should include a waterfront trail, which would connect the public access at the Southport development to the Cedar River Trail. This action should be implemented when environmental and security issues can be resolved, as well as public access to public lands, balanced with the goals of preserving ecological functions.
Lake Washington Reach J	Renton Municipal Airport	Public access to the Lake Waterfront is provided from the lawn area of the Will Rogers, Wiley Post Park and should be maintained. Public agency actions to improve public access should include enhancing opportunities for the public to approach the water's edge from the existing lawn area. If the airport is reconfigured or redeveloped in the future, public access on the shoreline should be one element to be balanced with goals for ecological restoration and water-oriented use.
Lake Washington Reach K	From the Renton Municipal Airport to the Seattle city	This reach is predominantly single-family area with no existing public access. Public visual access is provided from Rainier Avenue. The potential for provision of public

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	limits	access from new development is likely limited to future redevelopment of a small mobile home park in the easterly portion of this reach and from redevelopment of existing multi-family uses. Public agency actions to improve public access should include enhanced public views from Rainier Avenue as well as enhanced pedestrian facilities or mini-parks. This effort may include acquisition of several undeveloped parcels to provide access to the water's edge, consistent with goals for preservation and enhancement of ecological functions.
May Creek		
May Creek A	From the mouth of the creek to Lake Washington Boulevard	This reach is bounded by open space dedicated as part of a subdivision and includes public access provided by a trail along the creek. Public agency actions to improve public access should include enhanced public views from Lake Washington Boulevard including enhanced pedestrian facilities or mini-parks, improved connections of the May Creek trail to public streets, and to the potential trail to the east across or under the railroad right of way and Lake Washington Boulevard.
May Creek B	From Lake Washington Boulevard to I-405	There is currently no public access in this reach. At the time of re-development, public access should be provided from a trail parallel to the water along the entire property with controlled public access to the water, balanced with goals of preservation and enhancement of ecological functions. Public agency actions to improve public access should include provisions to cross I-405 to connect with trail systems to the east.
May Creek C	From I-405 to NE 36th Street	This reach includes discontinuous public ownership with some private ownership. At the time of development of private lands, public access should be provided from a trail parallel to the water together with public agency actions to develop a trail on public land. All trail development should be set back from the water's edge with controlled public access to the water, balanced with goals of preservation and enhancement of ecological functions.
May Creek D	From NE 36th Street to the city limits	This reach is largely King County May Creek Park. Public access is informal and discontinuous. There are some private inholdings along the creek. At the time of development of private lands, public access should be provided from a trail parallel to the water coordinated with public agency actions to develop a trail on public land. All trail development should be set back from the water's edge with controlled public access to the

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		water, balanced with goals of preservation and enhancement of ecological functions.
Cedar River		
Cedar River A	Mouth to Logan Avenue	A public trail is provided on the east side of the river in the Cedar River Park. No public access is provided on the west side of the river adjacent to the municipal airport. Public physical access from a trail parallel to the water should be provided if the Renton Municipal Airport redevelops in the future, balanced with goals of ecological restoration.
Cedar River B	Logan Avenue to I-405 bridges	A public trail is provided on the north side of the river and a variety of public access is provided on the south side, including small city parks. Public access should generally be provided within the corridor of public lands adjacent to the river; however, adjacent private parcels not separated by public streets should provide active open space and other facilities to provide gathering places to enjoy the shoreline environment, together with water-oriented uses. Revisions to the existing trail to relocate further from the water's edge to allow revegetation should be considered in the future as part of public park and river maintenance plans.
Cedar River C	I-405 to the SR 169	A public trail is provided on the former Milwaukee railroad. Public access is provided at a public park on the north side immediately east of I-405. Public physical access along from a trail parallel to the water should be provided as private lands on the north side of the river redevelop, integrated with vegetation conservation, and with controlled public access to the water's edge, balanced with goals of enhancement of ecological functions. The single-family residential area on the north side of the river provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include additional interpretive trails and trail linkages through public lands on the south side of the river, if consistent with ecological functions and public acquisition of access to the water in existing single-family areas, where appropriate.
Cedar River D	SR 169 to UGA boundary	A public trail is provided on the former Milwaukee railroad. It is generally at a distance from the water's edge. Most of this reach is under public ownership or dedicated open space. The primary goal for management of this reach should be ecological enhancement.

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		<p>Additional public access to the water's edge may be provided if consistent with ecological functions. The small residential area at the east end of the UGA provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include improved visual access from the existing trail and possible public acquisition of access to the water.</p>
Green River Reach A	The Green/Black River below the pump station	<p>The area west of Monster Road provides no public access. Public physical access from a trail parallel to the water should be provided as private lands redevelop. Public agency actions to improve public access should include acquisition of trail rights to connect the trail system to the Green River Trail and Fort Dent Park.</p> <p>The area west of Monster Road is part of the publicly owned Black River Forest where interpretive trails exist. Expansion of public access should occur only if consistent with ecological functions.</p>
Black River / Springbrook Creek		
Black/Springbrook A	From the City Limits to Grady Way	<p>The area west of Monster Road provides no public access. Public physical access from a trail parallel to the water should be provided as private lands redevelop. Public agency actions to improve public access should include acquisition of trail rights to connect the trail system to the Green River Trail and Fort Dent Park.</p> <p>The area west of Monster Road is part of the publicly owned Black River Forest where interpretive trails exist. Expansion of public access should occur only if consistent with ecological functions. Interpretive trails are present in the Black River Forest. Expansion of public access should occur only if consistent with ecological functions. A trail system is present on the west side of the stream adjacent to the sewage treatment plant and should be retained and possibly enhanced.</p>
Springbrook B	From Grady Way to SW 16th Street	<p>A trail system is present on WSDOT right of way and crosses under I-405. Enhancement should be implemented as part of future highway improvements or other public agency actions.</p>

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<p>Springbrook C</p>	<p>From SW 16th Street to the City Limits</p>	<p>A public trail parallel to the stream was developed as part of the Boeing Longacres Office Park and extends from SW 16th Street under Oaksdale. Avenue and terminates at the alignment of 19th Street at the parking lot of a pre-existing industrial building. If future development occurs in this area, a continuous trail system connecting to the continuous system to the south should be planned, consistent with protection of ecological values of wetlands and streamside vegetation.</p> <p>There is no trail system along the stream from SW 19th Street to the approximate alignment of SE 23rd Street. A continuous trail system is provided from 23rd Street to the city limits including portions through the Springbrook Wetland Mitigation Bank. If future development occurs in the area of the missing trail link, a trail system connecting to the continuous system to the south should be planned, consistent with protection of ecological values of wetlands and streamside vegetation buffers. Public actions should include interim linkages of the existing trail systems, which may include interim trails or routing on public streets and sidewalks. In the future, if vegetation buffers are developed within the stream corridor and adjacent lands, relocation of the trail farther from the stream should be considered with controlled access to the water's edge.</p>
<p>Lake Desire</p>		<p>A trail system is present in public open space in parks around the lake but there is no trail system adjacent to the lake.</p>
<p>Lake Desire A</p>	<p>17408 West Lake Desire Dr. SE to 18228 West Lake Desire Dr. SE</p>	<p>Public access is provided by a WDFW boat launch. Existing single-family residential development provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include public acquisition of access to the water where appropriate.</p>
<p>Lake Desire B</p>	<p>17408 West Lake Desire Dr. SE to the Natural Area at the south end of the Lake</p>	<p>Existing single-family residential development provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include public acquisition of access to the water where appropriate.</p>

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Lake Desire C	Natural Area at the south end of the Lake	There is currently no formal public access to the water at the natural area. Interpretive access should be implemented in a manner consistent with ecological values.
Lake Desire D	From the Natural Area to 17346 West Lake Desire Dr. SE	Existing single-family residential development provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs. Public agency actions to improve public access should include public acquisition of access to the water where appropriate. Access for interpretive purposes may be an element of public acquisition of wetlands.

Recreation Element

Objective SH-G. Water-oriented recreational activities available to the public should be encouraged.

Policy SH-27. Water-oriented recreational activities should be encouraged.

1. Accessibility to the water's edge should be improved in existing parks and new development, substantial alteration of existing non-single family development, and intensification of existing uses where consistent with maintaining ecological functions.
2. A balanced choice of public recreational opportunities should be provided on Lake Washington as a Shoreline of Statewide Significance that recognizes and protects the interest of all people of the state as well as Renton residents. Recreation use includes enjoyment and use of the water from boating and other activities. Shoreline park and recreation areas should be increased in size and number and managed for multiple uses including shoreline recreation and preservation and enhancement of ecological functions.
3. Areas for specialized recreation should be developed at locations where physical and ecological conditions are appropriate.
4. Both passive and active recreational areas should be provided.

Policy SH-28. Recreational boating and fishing should be supported, maintained, and increased.

Policy SH-29. Public agencies, non-profit groups, and private parties should use cooperative and innovative techniques to increase and diversify recreational opportunities including incorporation in development as well as public purchase of shoreland. Public agencies should establish the intent to acquire lands by incorporation of such policies in their plans and declaring public intent.

Policy SH-30. Public land, including city parks and public aquatic lands, should be managed to provide a balance of public recreation, public access to the water, and protection and enhancement of ecological functions.

Policy SH-31. Subject to policies providing for no net loss of ecological functions as well as local, state, and federal regulations, the water's depth may be changed to foster recreational aspects.

Policy SH-32. Provision of recreation facilities and use shall be consistent with growth projections and level-of-service standards established by the comprehensive plan.

Circulation Element

Objective SH-H. Minimize motor vehicular traffic and encourage pedestrian traffic within the shorelines.

- Policy SH-33.** Shoreline roadways should be scenic boulevards, where possible, to enhance the scenic views of the shoreline and provide opportunities for public visual access to the shoreline.
- Policy SH-34.** Public transportation should be encouraged to facilitate access to shoreline recreation areas.
- Policy SH-35.** Pedestrian and bicycle pathways, including provisions for maintenance, operation and security, should be developed.
1. Access points to and along the shoreline should be linked by pedestrian and bicycle pathways.
 2. Separate pedestrian and bicycle pathways should be included in new or expanded bridges or scenic boulevards within the shorelines.
 3. Separate pedestrian and bicycle pathways should be included in publicly financed transportation systems or rights of way, consistent with public interest and safety.
 4. Public access provided in private development should be linked to public pathways.
- Policy SH-36.** Road standards should meet roadway function and emergency access standards and provide for multiple modes, while reducing impervious surfaces, where feasible, and managing surface water runoff to achieve appropriate water quality.
- Policy SH-37.** Commercial boating operations, other than marinas, should be encouraged as they relate to water-dependent uses and should be limited to commercial and industrial areas.

Shoreline Historical/Cultural/Scientific/Education Resources and Activities

- Objective SH-I.** Provide for protection and restoration of buildings, sites, and areas having archaeological, historical, cultural, scientific, or educational value.
- Policy SH-38.** Sites with archaeological, historical, cultural, and scientific or educational value should be identified and protected or conserved in collaboration with appropriate tribal, state, federal, and local governments as well as private parties.
- Policy SH-39.** Such features may be integrated with other shoreline uses if appropriate to the character of the resource.

Shoreline Restoration and Enhancement

- Objective SH-J.** Provide for the timely restoration enhancement of shorelines with impaired ecological functions. Such restoration should occur through a combination of public and private programs and actions. This Master Program includes a restoration element that identifies restoration opportunities and facilitates

appropriate publicly and privately initiated restoration projects. The goal of this effort is to improve shoreline ecological functions.

Policy SH-40. A cooperative restoration program among local, state, and federal public agencies; tribes; non-profit organizations; and landowners should be developed to address shorelines with impaired ecological functions.

Policy SH-41. The restoration plan incorporated by reference into this Program is based on:

1. Identification of degraded areas, areas of impaired ecological functions, and sites with potential for ecological restoration.
2. Establishment of overall goals and priorities for restoration of degraded areas and impaired ecological functions.
3. Identification of existing and ongoing projects and programs that are being implemented, or are reasonably assured of being implemented, which are designed to contribute to local restoration goals.
4. Identification of additional projects and programs needed to achieve restoration goals.
5. Identification of prospective funding sources for those projects and programs.
6. Identification of timelines and benchmarks for implementing restoration projects and programs.
7. Development of strategies to ensure that restoration projects and programs will be implemented according to plans, periodically reviewed for effectiveness, and adjusted to meet overall restoration goals.

SECTION III. Renton Municipal Code Chapter 3 ENVIRONMENTAL REGULATIONS AND OVERLAY DISTRICTS Section RMC 4-3-090 Shoreline Master Program Regulations is hereby amended to read as follows:

4-3-090 SHORELINE MASTER PROGRAM REGULATIONS

4-3-090. A. PROGRAM ELEMENTS

The Renton Shoreline Master Program consists of the following elements

1. The Shoreline Element of the Renton Comprehensive Plan
2. This Section RMC 4-3-090 Shoreline Master Program Regulations which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090.

2. RMC Chapter 4-11 Definitions which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to the extent that they relate to Section RMC 4-3-090 or are defined by RCW 90.58.030.
3. RMC Section 4-9-197 Shoreline Permits which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to the extent that they relate to specific procedural mandates of RCW 90.58.
4. RMC Section 4-10-095 Shoreline Non-Conforming Uses, Activities Structures and Sites which are subject to review and approval by the Washington State Department of Ecology pursuant to RCW 90.58.090 to the extent that they relate to specific procedural mandates of RCW 90.58.
5. The Shoreline Restoration Element of the Shoreline Master Plan, of which one printed copy in book form has heretofore been filed and is now on file in the office of the City Clerk and made available for examination by the general public, shall not be considered to contain regulations but shall be utilized as a guideline for capital improvements planning by the City and other jurisdictions undertaking ecological restoration activities within Shoreline Management Act jurisdiction.

4-3-090. B. REGULATED SHORELINES

Approximately 18 miles of shoreline in the City of Renton are under the jurisdiction of the Shoreline Management Act of 1971. By statutory standards, the Green River and Lake Washington are classified as Shorelines of Statewide Significance, and comprise approximately 5.8 miles of the Shorelines of the State regulated by City of Renton. In addition, the shorelines of the Cedar River, Black River, Springbrook Creek, and May Creek are shorelines within the City. These 18 miles of shoreline in the City of Renton are an extremely valuable resource not only to the City of Renton, but also for the watersheds of which they are part and for the greater Puget Sound community of which Renton is an integral part.

The Renton Shoreline Master Program applies to Shorelines of the State, which includes Shorelines of Statewide Significance and Shorelines as defined in RMC 4-11 and as listed below.

1. Shorelines of Statewide Significance:
 - a. Lake Washington
 - b. Green River (The area within the ordinary high water mark of the Green River is not within the Renton City Limits, but portions of the 200-foot shoreline jurisdiction are within city limits.)
2. Shorelines:
 - a. Cedar River
 - b. May Creek from the intersection of May Creek and NE 31st Street in the southeast quarter of the southeast quarter of Section 32-24-5E WM
 - c. Black River
 - d. Springbrook Creek from the Black River on the north to SW 43rd Street on the south
 - e. Lake Desire (in the city's future annexation area)

3. The jurisdictional area includes:
 - a. Lands within 200 feet, as measured on a horizontal plane, from the ordinary high water mark, or lands within 200 feet from floodways, whichever is greater;
 - b. Contiguous floodplain areas; and
 - c. All marshes, bogs, swamps, and river deltas associated with streams, lakes, and tidal waters that are subject to the provisions of the State Shoreline Management Act.

4-3-090. C. SHORELINES OF STATEWIDE SIGNIFICANCE

Each shoreline has its own unique qualities which make it valuable, particularly Shorelines of Statewide Significance, which in Renton include Lake Washington and the Green River. Preference is, therefore, given to the following uses in descending order of priority (as established by Chapter 90.58.020 RCW) for Shorelines of Statewide Significance:

1. Recognize and protect the statewide interest over local interest for Shorelines of Statewide Significance.
2. Preserve the natural character of the shorelines.
3. Result in long-term over short-term benefits.
4. Protect the resources and ecology of the shorelines.
5. Increase public access to publicly owned areas of the shorelines.
6. Increase recreational opportunities for the public in the shoreline.
7. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.

4-3-090. D. SHORELINES OVERLAY DISTRICTS

Shoreline environments shall consist of shoreline overlay zoning districts and are designated to provide a basis to apply policies and use regulations within distinctively different shoreline areas. The environmental designation given to specific areas is based on the existing development pattern, the biophysical capabilities and limitations of the area, and the goals of the City's Comprehensive Plan. In addition, specific regulations are provided for specific reaches of water bodies with specific ecological, land use, public service, public access, and other opportunities and constraints.

4-3-090. D.1 Natural Environment Overlay District

- a. **Designation of the Natural Environment Overlay District:**
 - i. **Objective:** The objective in designating a natural environment is to protect and preserve unique and fragile shoreline or wetland environments that are ecologically intact as close to their natural state as possible. The natural environment is intended to provide areas of wildlife sanctuary and habitat preservation.
 - ii. **Areas to be Designated as a Natural Environment:** A Natural Area designation is assigned to shoreline areas if any of the following characteristics apply:

- (1) The shoreline retains the majority of natural shoreline functions, as evidenced by the shoreline configuration and the presence of native vegetation. Generally, but not necessarily, ecologically intact shorelines are free of structural shoreline modifications, structures, and intensive human uses.
 - (2) Shoreline areas that provide valuable functions for the larger aquatic and terrestrial environments, which could be lost or significantly reduced by human development.
 - (3) The shoreline represents ecosystems that are of particular scientific and educational interest.
 - (4) Shorelines with large areas of relatively undisturbed areas of wetlands.
 - (5) Shorelines that support specific important wildlife habitat, such as heron rookeries.
 - (6) The shoreline is unable to support new development, extractive uses, or physical modifications or uses without significant adverse impacts to ecological functions.
- b. Acceptable Activities and Uses:** Development and use within Natural Areas shall be consistent with the following and be reviewed as a Shoreline Conditional Use:
- i. Preservation and enhancement of the area's ecological functions, natural features, and overall character must receive priority over any other potential uses. Any use that would degrade the ecological functions or natural character of the shoreline area is not allowed.
 - ii. Private and/or public enjoyment of Natural Areas are to be encouraged and facilitated through low intensity recreation use; as well as scientific, historical, cultural, and educational research uses; provided that no significant ecological impact on the area will result.
 - iii. Structures for management of floodways, including drainage or storage and pumping facilities, are allowed as Conditional Uses, provided that no significant ecological impact on the area will result. Specific designs should be developed to ensure that noise or other proximity impacts at a low level will not affect native aquatic and terrestrial species.
 - iv. All other human activities are considered inappropriate.
- c. Designation of the Natural Areas:** Preservation of natural shoreline areas can best be ensured through public or non-profit ownership and management. Therefore, where private development is proposed in areas so designated, the City shall require dedication as necessary.
- d. Application:** That portion of the north bank of the Black River lying west of its confluence with Springbrook Creek shall be designated as a Natural Area (see Figure 5-1).

4-3-090. D.2. Urban Conservancy Overlay District

- a. **Designation of the Shoreline Urban Conservancy Environment Overlay District:**
- b. **Objective:** The purpose of the Urban Conservancy environment is to protect, conserve, restore, and manage existing areas with ecological functions of open space, floodplain, and other sensitive lands where they exist in urban and developed settings, while allowing compatible uses.
- c. **Areas to Be Designated as a Conservancy Environment:**
 - i. Areas of high scenic value.
 - ii. Areas of open space, floodplain, or other sensitive areas such as wetlands or geological hazards that should not be more intensively developed.
 - iii. Areas that retain important ecological functions, including areas, which, even though they are partially developed, provide valuable wildlife habitat or essential aquatic habitat functions.
 - iv. Areas with the potential for ecological restoration.
 - v. Areas that cannot provide adequate utilities for intense development.
 - vi. Areas with unique or fragile features.
- d. **Acceptable Activities and Uses:** Uses that preserve the natural character of the area or promote preservation of open space, floodplain, or sensitive lands either directly or over the long term are the primary allowed uses. Uses that result in restoration of ecological functions are allowed if the use is otherwise compatible with the purpose of the environment.
- e. **Use Regulations in the Urban Conservancy Environment Overlay District:**
 - i. **Commercial Uses:** Commercial uses shall be limited to home occupations, which shall be contained wholly within the dwelling unit.
 - ii. Fish and wildlife resource enhancement.
 - iii. **Industrial Uses:** All industrial activities are prohibited in a conservancy environment.
 - iv. **Recreation Use:** Recreation uses shall generally be limited to low intensity passive recreation.
 - (1) **Permitted Uses:**
 - (a) Public hiking and bicycle trails.
 - (b) Non-motorized public fishing.
 - (c) Public wading and swimming spots.
 - (d) Public areas for nature study.

- (e) Public picnic areas.
- (2) Uses Allowed by Shoreline Conditional Use Permit:
 - (a) Public overnight camping areas.
 - (b) Boat launches.
 - (c) Boat moorage.
 - (d) Golf courses (excluding structures).
 - (e) Parking areas to serve Allowed and Conditional Uses.
- v. Residential Uses:
 - (1) Permitted Uses: Low-density single-family residences limited to existing lots, or clustered subdivision retaining sensitive areas.
 - (2) Prohibited Uses: Multi-family residences of two (2) units or more.
- vi. Roads: Necessary roads are permitted subject to the standards of Section 4-3-090. F.10 of this Program.
- vii. Utilities:
 - (1) Local Service Utilities: The necessary local service utilities shall be permitted for approved activities and uses within the conservancy environment and shall be constructed underground per City code requirements.
 - (2) Major Utilities: Major utilities may be allowed only if they meet criteria of Section 4-3-090. F.10 that no alternative location outside shoreline jurisdiction is feasible and by approval of a Conditional Use Permit and only if they cross the conservancy area in the shortest feasible route and meet all standards of this Program.
- f. Application:**
 - i. That portion of the Lake Washington shoreline within Gene Coulon Park extending from 100 feet north of the northerly end of the northernmost driveway to the northerly end of the park.
 - ii. May Creek east of Lake Washington, including the open space area within the Barbee Mill subdivision.
 - iii. That portion of the south bank of the Cedar River extending from 350 feet east of I-405 right of way to SR 169.
 - iv. The Cedar River, extending from SR 169 to the easterly limit of the Urban Growth Area.

- v. That portion of Springbrook Creek beginning from approximately SW 27th Street on the north to SW 31st Street on the south, abutting City-owned wetlands in this area, and for that portion of the west side of the creek in the vicinity of SW 38th Street abutting the City's Wetlands Mitigation Bank shall be designated conservancy (see Figure 5-1 and Appendix A - Springbrook Creek).

4-3-090. D.3. Single-Family Residential Overlay district

a. Designation of the Single-Family Residential Overlay

- i. **Objective:** The objective of the Single-Family Residential Shoreline Overlay District is to accommodate residential development and appurtenant structures that are consistent with this chapter.
- ii. **Areas to Be Designated:** The Single-Family Residential Shoreline Overlay District is applied to and characterized by single-family use and zoning.
- iii. **Acceptable Activities and Uses:** Single-family residential use, accessory uses, and compatible water-oriented activities are allowed in this overlay district.

b. Allowed Uses: Allowed uses protect or enhance the existing single-family residential character of the area while sustaining shoreline ecological functions by building bulk, shore setbacks, and promoting visual harmony. New development shall be at a density and scale compatible with existing development and ecological functions and utilize sustainable development practices.

i. Residential Uses:

- (1) Single-family residences.
- (2) Accessory uses customarily incidental and subordinate to single-family use and located upon the same lot occupied by the principal use.
- (3) Category I and II Group Homes for six (6) or fewer residents as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.

ii. Schools: K-12 educational institution (public or private), existing.

iii. Recreational Uses

- (1) Parks, neighborhood as specified in RMC RMC 4-2-060 and 080.
- (2) Parks, regional/community, existing as specified in RMC 4-2-060 and 080.
- (3) Recreational trails meeting the performance standards of this program.

iv. Local Service Utilities: The necessary local service utilities shall be permitted for approved activities and uses within the Single-Family Residential Overlay District environment subject to the performance standards of this Program and as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.

- v. Roads and driveways providing direct access to permitted primary uses are allowed subject to the performance standards of Section 7.15 of this Program.
- vi. Fish and wildlife resource enhancement.

c. Conditional Uses

i. Residential Uses:

- (1) Adult family home as a Hearing Examiner Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (2) Category II Group Homes for seven (7) or fewer residents as a Hearing Examiner Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (3) Home occupations as an Administrative Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.

ii. Recreational Uses

- (1) Parks, regional/community, new as an Administrative Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (2) Public boat launch ramps, new as an Administrative Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (3) Marinas, new as an Administrative Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (4) Public over-water trails as an Administrative Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (5) Golf courses as a Hearing Examiner Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.

iii. Services:

- (1) Bed and breakfast house, accessory as an Administrative Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (2) Adult Day Care I as an Administrative Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (3) Adult Day Care II as a Hearing Examiner Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.

- iv. Local Service Utilities: The necessary local service utilities shall be permitted for approved activities and uses within the Single-Family Residential Overlay District environment and shall be constructed underground per City code requirements.

v. Transportation:

- (1) Roads and driveways not providing direct access to permitted primary uses as a Hearing Examiner Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.
- (2) Seaplane moorage and helipads outside of vegetation conservation buffers provided in Section 8.01, accessory to primary use as a Hearing Examiner Conditional Use as allowed in the underlying zoning as specified in RMC 4-2-060 and 080.

- g. **Application:** Those shoreline areas with single-family zoning and use as indicated in the Shoreline Overlay District Maps.

4-3-090. D.4. Shoreline High Intensity Overlay District

- a. **Designation of the High Intensity Overlay District:** The objective of the High Intensity Overlay is to provide opportunities for large-scale office and commercial employment centers as well as multi-family residential use and public services. This district provides opportunities for water-dependent, water oriented and nonwater-oriented uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded. Development will also provide for public use, especially access to and along the water's edge.
- b. **Shoreline of Statewide Significance:** The shoreline of Lake Washington is designated as a Shoreline of Statewide Significance; therefore, development, redevelopment, and use shall recognize and protect the statewide interest in terms of providing for benefits to the general public in terms of:
 - i. Preserving and enhancing the natural character and ecological functions of the shoreline to provide long-term public benefits to fish stocks, many of which depend on south Lake Washington for a key phase of their lifecycle.
 - ii. Increasing public access to the shoreline and integrating public access on individual sites with an integrated non-motorized trail system to allow access to persons not living or on near the shoreline.
 - iii. Ensuring that impacts of development are mitigated to ensure the long-term benefits of a productive environment over short-term economic benefits.
 - iv. Providing a variety of recreational opportunities for the public in mixed use development on the shoreline.
 - v. Providing high standards for design and aesthetics in the shoreline site and building design to address the visual character and quality of the range of public use of the lake and shorelines. Design and review standards shall achieve high-quality landmark developments that are integrated with the natural environment, that provide appropriate transition to areas of less intense development, and integrate building height, bulk, setbacks, landscaping, and signage into a cohesive whole.
 - vi. The redevelopment of former industrial areas on the Lake Washington shoreline will

lead to the creation of a vibrant new lakefront community providing additional housing, shopping, and employment opportunities to the region. Mixed-use projects will take advantage of the amenities of the lake while providing opportunities for water-dependent and water-oriented uses and public access as well as ecological enhancement.

c. Management Policies

- i. Water-Oriented and Non-Water-Oriented Activities: Because shorelines suitable for high-intensity urban uses are a limited resource, development opportunities are largely limited to redevelopment. Existing industrial and commercial uses on the shoreline are not water-dependent. It is unlikely that the Renton shoreline will provide opportunities for a commercial port, or other water-oriented industrial uses. Opportunities for water-dependent and water-oriented uses are likely to be oriented to recreation, public enjoyment, and moorage. Emphasis shall be given to development within already developed areas and particularly to water-oriented industrial and commercial uses. However, shorelines along the Cedar River and Springbrook Creek are not generally conducive to high-intensity urban uses that are water-oriented. Accordingly, nonwater-oriented uses are permitted within the High Intensity Overlay along the Cedar River and Springbrook Creek without such water-oriented uses, subject to the provision for public access and ecological restoration.
- ii. Public Access: Priority is also given to planning for public visual and physical access to water in the High Intensity ~~Urban~~ Overlay District. Identifying needs and planning for the acquisition of urban land for permanent public access to the water is addressed in Public Access regulations in Section 6.06. Public access is one of the primary public benefits necessary to locate development on the shoreline.
- iii. Ecological Restoration: Providing for restoration of ecological functions is one of the primary public benefits necessary to ~~locate~~located nonwater-oriented development on the shoreline. Ecological restoration opportunities are limited in Renton due to the developed nature of much of the shoreline. Except in regard to the existing bulkhead along the north bank of the Cedar River at the old Stoneway Concrete plant site referred to in Section 4-3-090.G.4.n (which bulkhead, as noted therein, shall be entitled to remain), ~~N~~new development and redevelopment shall remove and replace shoreline armoring that does not meet standards of this code, restore native vegetation and wetlands, as well as restore the aquatic substrate. Public access may be required to be set back from restored areas with controlled access to the water's edge at locations that are less ecologically sensitive.
- iv. Aesthetics: Aesthetic objectives shall be implemented by appropriate development siting, building bulk, architectural standards, screening, landscaping, and maintenance of natural vegetative buffers.

- d. Use Regulations** Land uses allowed in RMC 4-2 are allowed in this overlay district, subject to the preference for water-dependent and water-oriented uses and the limitations and performance standards of Sections 6 and 7. Uses adjacent to the water's edge and within buffer areas established in Section 8.01 are reserved for water-oriented development, public access, and ecological enhancement.

e. Application Jurisdiction

- i. The Commercial/Office/Residential (COR) zoning designation generally north of May Creek.
- ii. The southerly portion of Gene Coulon Park, generally south of and including the over-water walkway, concession areas, parking areas, boat launch areas, and the swimming beach.
- iii. The Urban Center North and Industrial zoned areas along the south shoreline of Lake Washington, the Municipal Airport, and adjacent COR designated areas.
- iv. The Cedar River from the mouth to I-405.
- v. The north side of the Cedar River east of I-405~~I-90~~ within areas of COR zoning designation.
- vi. Areas of Springbrook Creek not in Natural or Urban Conservancy overlays.

4-3-090. D.5. Shoreline High Intensity – Isolated Lands - Overlay District

- a. **Designation of the High Intensity – Isolated Lands – Overlay District:** The objective of the High Intensity Overlay – Isolated Lands overlay is to provide appropriate regulations for areas that are within shoreline jurisdiction but are with separate parcels effectively isolated from the water by intervening elements of the built environment, largely consisting of railroads and roads or intervening private parcels. In most cases, these areas function as parallel designations with other designations applied to the area adjacent to the water.
- b. **Acceptable Activities and Uses:** The shoreline regulations that apply within this overlay are the land use regulations of Title IV, Development Regulations of the Renton Municipal Code, subject to the permit and procedural requirements of this Program. In most cases, the performance standards in Section 7 of this Program do not apply to development or uses in this overlay.
- c. **Application Jurisdiction**
 - i. Areas within shoreline jurisdiction of the Green River but isolated by the intervening railroad right-of-way.
 - ii. Areas immediately north of the Cedar River (right bank) and north of Riverside Drive between Williams Avenue South and Bronson Way North.

4-3-090. D.6. Aquatic Shoreline Overlay District

- a. **Designation of the Aquatic Overlay District:**
 - i. **Objective:** The objective of the Aquatic designation is to protect, restore, and manage the unique characteristics and resources of the areas waterward of the ordinary high water mark. Areas to be Designated as the Aquatic Overlay:
 - ii. **Areas to be Designated:** The Aquatic Overlay District is defined as the area waterward of the ordinary high water mark of all streams and rivers, all marine water

bodies, and all lakes, constituting shorelines of the state together with their underlying lands and their water column; but do not include associated wetlands and other shorelands shoreward of the ordinary high water mark

- iii. **Acceptable Activities and Uses:** Water-dependent uses and a limited range of water-oriented uses are allowed in the Aquatic Overlay, subject to provision of shoreline ecological enhancement and public access.

b. Aquatic Shoreline Overlay District Management Policies

Development within Aquatic Areas shall be consistent with the following::

- i. Allowed uses are those within the adjacent upland shoreline overlay, limited to water-dependent use or public access.
- ii. New uses and over-water structures are allowed only for water-dependent uses, public access, or ecological restoration and only when no net loss of ecological functions will result.
- iii. The size of new over-water structures shall be limited to the minimum necessary to support the structure's intended use. In order to reduce the impacts of shoreline development and increase effective use of water resources, multiple use of over-water facilities is encouraged and may be required.
- iv. All developments and uses on navigable waters or their beds shall be located and designed to minimize interference with surface navigation, to consider impacts to public views, and to allow for the safe, unobstructed passage of fish and wildlife, particularly those species dependent on migration.
- v. Shoreline uses and modifications shall be designed and managed to prevent degradation of water quality, minimize alteration of natural conditions and processes, and result in no net loss of ecological functions
- vi. Uses and modification of Public Aquatic Land shall incorporate public access and ecological enhancement, except where inconsistent with the operation of water-dependent uses.
- vii. Fish and wildlife resource enhancement, including aquaculture related to fish propagation are allowed and encouraged.

4-3-090. E. GENERAL DEVELOPMENT STANDARDS

4-3-090. E.1. Applicability

This section shall apply to all use and development activities within the shoreline. Items included here will not necessarily be repeated in Section 7, Specific Use Regulations, and shall be used in the evaluation of all permits.

4-3-090. E.2. City-Wide Property Development Standards

Renton Municipal Code provisions in Title 4 Development Regulations, Chapter 4 City-wide

Property Development Standards (RMC 4.4) contain regulations and standards governing site development of property city-wide, such as parking, landscaping, fencing, and others. These provisions shall apply within shoreline jurisdictions except for provisions relating to administration that are governed by this Program, and provided that additional policies and standards addressing location and design shall prevail.

4-3-090. E.3. Use Preference

The following delineate the use preferences of the Shoreline Management Act and this Program and apply to all lands under the jurisdiction of the Shoreline Management Act.

- a. Single-family residences are a priority use in those limited instances when an alteration of the shorelines is authorized (RCW 90.58.020) when developed in a manner consistent with control of pollution and prevention of damage to the natural environment and are allowed on shorelines not subject to a preference for commercial or industrial water-dependent uses and where allowed by the Comprehensive Plan and zoning. Single-family residences and accessory uses and facilities shall be located, designed, and used in accordance with applicable policies and regulations of this Program.
- b. Shoreline uses that are water-dependent or water-related are given preference (RCW 90.58.020). Such uses shall be located, designed, and maintained in a manner that minimizes adverse impacts to shoreline ecological functions. Nonwater-oriented development may be allowed, provided that existing water-dependent uses are not displaced and the future supply of sites for water-dependent or water-related uses is not compromised.
- c. Restoration of ecological functions shall be allowed on all shorelines and shall be located, designed, and implemented in accordance with applicable policies and regulations of this Program.
- d. Scientific study, including sampling, and monitoring equipment is allowed in all shorelines.
- e. Shoreline uses and developments shall be located, designed, and managed so that other appropriate uses are neither subjected to substantial or unnecessary adverse impacts, nor deprived of reasonable, lawful use of navigable waters, other publicly owned shorelines, or private property.

4-3-090. E.4. Environmental Effects

a. No Net Loss of Ecological Functions

- i. Shoreline use and development shall be carried out in a manner that prevents or mitigates adverse impacts so that the resulting ecological condition does not become worse than the current condition. This means ensuring no net loss of ecological functions and processes in all development and use. Permitted uses are designed and conducted to minimize, in so far as practical, any resultant damage to the ecology and environment (RCW 90.58.020). Shoreline ecological functions that shall be protected include, but are not limited to, fish and wildlife habitat, food chain support, and water temperature maintenance. Shoreline processes that shall be protected include, but are not limited to, water flow; littoral drift; erosion and accretion; infiltration; ground

water recharge and discharge; sediment delivery, transport, and storage; large woody debris recruitment; organic matter input; nutrient and pathogen removal; and stream channel formation/maintenance.

- ii. In assessing the potential for net loss of ecological functions or processes, project-specific and cumulative impacts shall be considered and mitigated on- or off-site.
 - iii. Mitigation Sequencing: An application for any permit or approval shall demonstrate all reasonable efforts have been taken to provide sufficient mitigation such that the activity does not result in net loss of ecological functions. Mitigation shall occur in the following prioritized order:
 - (1) Avoiding the adverse impact altogether by not taking a certain action or parts of an action, or moving the action.
 - (2) Minimizing adverse impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology and engineering, or by taking affirmative steps to avoid or reduce adverse impacts.
 - (3) Rectifying the adverse impact by repairing, rehabilitating, or restoring the affected environment.
 - (4) Reducing or eliminating the adverse impact over time by preservation and maintenance operations during the life of the action.
 - (5) Compensating for the adverse impact by replacing, enhancing, or providing similar substitute resources or environments and monitoring the adverse impact and the mitigation project and taking appropriate corrective measures.
- b. Burden on Applicant:** Applicants for permits have the burden of proving that the proposed development is consistent with the criteria set forth in this Program and the Act.
- c. Critical Areas**
- i. The following critical areas shall be regulated in accordance with the provisions of RMC 4-3-050 Critical Area Regulations, adopted by reference except for the provisions excluded in Subsection 2, below. Said provisions shall apply to any use, alteration, or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered, or land divided without full compliance with the provision adopted by reference and this Program. Within shoreline jurisdiction, the regulations of RMC 4-3-050 shall be liberally construed together with the Program to give full effect to the objectives and purposes of the provisions of this Program and the Act, subject to constitutional and other legal limitations on the regulation of private property.
 - (1) Aquifer protection areas.
 - (2) Areas of special flood hazard.
 - (3) Sensitive slopes, twenty-five percent (25%) to forty percent (40%), and protected

slopes, forty percent (40%) or greater.

- (4) Landslide hazard areas.
 - (5) High erosion hazards.
 - (6) High seismic hazards.
 - (7) Coal mine hazards.
 - (8) Volcanic hazard areas.
 - (9) Fish and wildlife habitat conservation areas: Critical habitats.
 - (10) Fish and wildlife habitat conservation areas: Streams and Lakes: Classes 2 through 5 only.
 - (11) Wetlands, including shoreline-associated wetlands.
- ii. The following provisions of RMC 4-3-050 Critical Area Regulations shall not apply within shoreline jurisdiction:
 - (1) RMC 4-3-050-N Alternates, Modifications and Variances, Subsections 1 and 3 Variances, and
 - (2) RMC 4-9-250 Variances, Waivers, Modifications and Alternatives.
 - iii. Regulations for fish habitat conservation areas Class 1 Streams and Lakes, pertaining to water bodies designated as shorelines, are contained within the development standards and use standards of this Program, including but not limited to Subsection 4-3-090. G.1 Vegetation Conservation, which establishes vegetated buffers adjacent to water bodies and specific provisions for use and for shoreline modification in Sections 6 and 7.
 - iv. To provide for flexibility in the administration of the ecological protection provisions of this Program, alternative mitigation approaches may be applied for as provided in RMC 4-3-050-N Alternates, Modifications and Variances, Subsection 2. Modifications within shoreline jurisdiction may be approved for those critical areas regulated by that section as a Shoreline Conditional Use Permit where such approaches provide increased protection of shoreline ecological functions and processes over the standard provisions of this Program and are scientifically supported by specific studies performed by qualified professionals.

d. Impacts on Aquatic Habitat

- i. Development shall provide stormwater management facilities including water quality treatment designed, constructed, and maintained in accordance with the current stormwater management standards. Water quality treatment facilities shall be provided for moderate alteration of non-conforming structures, uses and sites as provided for in RMC 4-10-095.

- ii. Best management practices for control of erosion and sedimentation shall be implemented for all development in shorelines through an approved temporary erosion and sediment control plan, or administrative conditions.
- iii. Nighttime lighting shall be designed to avoid or minimize interference with aquatic life cycles through avoidance of light sources that shine directly onto the water. Exterior lighting fixtures shall include full cut off devices such that glare or direct illumination does not extend into water bodies. Lighting shall include timers or other switches to ensure that lights are extinguished when not in use.

4-3-090. E.5. Use Compatibility and Aesthetic Effects

- a. Shoreline use and development activities shall be designed and operated to minimize obstructions of the public's visual access to the water ~~and shoreline~~ and not significantly reduce shoreline scenic and aesthetic qualities that are derived from natural features, such as shoreforms and vegetative cover. The potential impact of any of the following on adjacent, nearby, and possibly distant land and shoreline users shall be considered in the design plans and efforts made to avoid or minimize detrimental effects.⁴
- b. **View Obstruction and Visual Quality:** The following standards and criteria shall apply to developments and uses within the jurisdiction of this Program:
 - i. Where commercial, industrial, mixed use, multi-family and/or multi-lot developments are proposed, primary structures shall provide for reasonable view corridors between buildings where views of the water are available from public right-of-way or trails.
 - ii. Buildings shall be limited to a height of no more than 35 feet above average grade level except at specific locations specified in Table 6.09.
 - iii. ~~All new or expanded commercial development adjacent to residential use and public parks shall provide setbacks from adjacent properties of adequate width to attenuate proximity impacts such as noise, light and glare, and may address scale and aesthetic impacts. Fencing or landscape areas may be required to provide a visual screen.~~ **[Halinen Comment: This statement is both unreasonably burdensome and is unconstitutionally vague. It would force property owners to guess as to its meaning.]**
 - iv. Display and other exterior lighting shall be designed and operated so as to prevent glare, to avoid illuminating nearby properties used for non-commercial purposes, to not unreasonably infringe on the use and enjoyment of such property, and to prevent hazards for public traffic. Methods of controlling spillover light include, but are not limited to, limits on height of structure, limits on light levels of fixtures, light shields, and screening.
 - v. Buildings shall incorporate architectural features that reduce scale such as setbacks, pitched roofs, offsets, angled facets, and recesses.
 - vi. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.

- vii. Building mechanical equipment shall be incorporated into building architectural features, such as pitched roofs, to the maximum extent possible. Where mechanical equipment cannot be incorporated into architectural features, a visual screen shall be provided consistent with building exterior materials that obstructs views of such equipment.
 - viii. Facilities not incorporated into buildings including fences, piers, poles, wires, lights, and other free-standing structures shall be designed to minimize visual prominence.
 - ix. Stairs and walkways located within shoreline vegetated buffers shall not exceed 4 feet in width; provided that, where ADA requirements apply, such facilities may be increased to 6 feet in width or the ADA-required width, whichever is greater. Stairways shall conform to the existing topography to the extent feasible and minimize impervious surfaces.
 - x. Any other design standards included in community plans or regulations adopted by the City shall be incorporated.
- c. **Community Disturbances:** Noise, odors, night lighting, water and land traffic, and other structures and activities shall be considered in the design plans and avoided or mitigated.
 - d. **Design Theme:** Architectural styles, exterior designs, landscaping patterns, and other aspects of the overall design of a site shall be in conformance with urban design and other standards contained in RMC 4-3-100 Urban Design Regulations, and other applicable provisions of RMC Title IV, Development Regulations, as well as specific policies and standards of this Program.
 - e. **Screening:** The standards in RMC 4-4-095 concerning screening of mechanical equipment and outdoor service and storage areas shall apply within shorelines with the additional criteria that the provisions for bringing structures or sites into conformance shall occur for minor alteration or renovation as provided in RMC 4-9-197.

4-3-090.E.6. Public Access

- a. Physical or visual access to shorelines shall be incorporated in all new development when the development would either generate a demand for one or more forms of such access, would impair existing legal access opportunities or rights, or is required to meet the specific policies and regulations of this Program. All such conditions shall be consistent with all relevant constitutional and other legal limitations on regulation of private property. A coordinated program for public access for specified shoreline reaches is established in the Comprehensive Plan, Shoreline Master Program, Section 4, General Policies, Section 4.04 Public Access, Table 4.04. The provisions of public access, including off-site facilities, are designated in Table 6.06 subject to the policy intent of Section 4.04.
- b. Subject to the criteria in subsection d below, Ppublic access shall be provided for the following types of development; ~~subject to the criteria in Subsection B.~~
 - i. Water-dependent uses and developments that increase public use of the shorelines and public aquatic lands, or that would impair existing legal access opportunities, or that utilize public harbor lands or aquatic lands, or that are developed with public funding or other public resources.

- ii. Non-water-dependent development and uses.
 - iii. Developments of more than four (4) single-family residential lots or single-family dwelling units, including subdivision, within a proposal or a contiguously owned parcel.
 - iv. Development of any non-single family development or use.
 - v. Any use of public aquatic lands, except as related to single-family residential use of the shoreline, including docks accessory to single-family residential use.
 - vi. Publicly financed or subsidized flood control or shoreline stabilization shall not restrict public access to the shoreline and shall include provisions for new public access to the maximum extent feasible.
 - vii. Public access provided by shoreline street ends, public utilities, and rights of way shall not be diminished by any public or private development or use (RCW 35.79.035 and RCW 36.87.130).
- c. The requirements for public access may be modified as a Shoreline Conditional Use for any application in which the following criteria are demonstrated to be met. In cases where a Substantial Development Permit is not required, use of this waiver or modification may take place only through a shoreline variance. It is the responsibility of the applicant to demonstrate that such criteria are met. As a condition of waiver or modification of access requirements, contribution to off-site public access shall be required.
- i. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means.
 - ii. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions.
 - iii. The cost of providing the access, or mitigating the impacts of public access, is unreasonably disproportionate to the total long-term development and operational cost over the life-span of the proposed development.
 - iv. Significant environmental impacts will result from the public access that cannot be mitigated.
 - v. Significant undue and unavoidable conflict between any access provisions and the proposed use and/or adjacent uses would occur and cannot be mitigated.
 - vi. Prior to determining that public access is not required, all reasonable alternatives must be pursued, including but not limited to:
 - (1) Regulating access by such means as maintaining a gate and/or limiting hours of use;
 - (2) Designing separation of uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.); and

- (3) Providing for specific facilities for public visual access, including viewing platforms that may be physically separated from the water's edge, but only if access adjacent to the water is precluded.

d. Public access shall incorporate the following location and design criteria where applicable:

- i. Public access on sites where vegetated open space is provided along the shoreline shall consist of a public pedestrian walkway parallel to the ordinary high water mark of the property. The walkway shall be buffered from sensitive ecological features, may be set back from the water's edge, and may provide limited and controlled access to sensitive features and the water's edge where appropriate. Fencing may be provided to control damage to plants and other sensitive ecological features and where appropriate. Trails generally shall be constructed of permeable materials and limited to 4 to 6 feet in width to reduce impacts to ecologically sensitive resources.
- ii. The area established for public access on sites or portions of sites not including vegetated open space shall be not less than ~~tenfifteen~~ (10+5) percent of the developed area within shoreline jurisdiction or three thousand (3,000) square feet, whichever is greater, on developments including non-water-dependent uses. **[Halinen Comment: 15 percent is excessive.]** For water-dependent uses, the amount and location may be varied in accordance with the criteria in Subsection 4-3-090.F.3. Public access facilities shall extend along the entire water frontage, unless such facilities interfere with the functions of water-dependent uses. The minimum width of public access facilities shall be 10 feet and shall be constructed of materials consistent with the design of the development provided that facilities addressed in the Renton Trails & Bicycle Master Plan shall be developed in accordance with the standards of that plan, subject to constitutional and other legal limitations on the regulation of private property. **[Halinen Comment: Nexus and rough proportionality requirements may not be met in some of these circumstances.]**
- iii. Public access on over-water structures on public aquatic lands, except for docks serving a single-family residence, shall be provided and may include common use of walkway areas. Moorage facilities serving five (5) or more vessels shall provide a publicly accessible area of at least 10 feet at or near the end of the structure. Public marinas serving 20 or more vessels may restrict access to specific moorage areas for security purposes as long as an area of at least 10 percent of the over-water structure is available for public access and an area of at least 20 square feet is provided at or near the end of the structure. Public access areas may be used in common by other users, but may not include adjacent moorage that obstructs public access to the edge of the water or obstructs views of the water.
- iv. Where city trail or transportation plans and development standards specify dimensions that differ from those in this program, the standard that best serves public access, while recognizing constraints of protection and enhancement of ecological functions shall prevail except where subject to constitutional and other legal limitations on the regulation of private property.
- v. A coordinated program for public access for specified shoreline reaches is established in the Comprehensive Plan, Shoreline Element, Public Access Policy SH-27 Table of Public Access Objectives by Reach. In regard thereto, the City shall:

- (1) ~~The City shall u~~Utilize the reach policies for public access as guidance in applying these provisions to individual development sites; ~~and-~~
 - (2) ~~The City shall u~~Utilize the reach policies for public access as guidance in planning and implementing public projects.
- vi. The City shall provide a fund for off-site public access and may assess charges to new development that do not meet all or part of their public access requirements. Such a fund and charges may be part of or coordinated with park impact fees. Off-site public access shall be developed in accordance with the reach policies for public access.
- e. Public Access Development Standards: Subject to constitutional and other legal limitations on the regulation of private property, ~~P~~ublic access facilities shall incorporate the following design and other features.
- i. Relation to other facilities:
- (3) Public access shall be located adjacent to other public areas, accesses, and connecting trails, connected to the nearest public street, and include provisions for handicapped and physically impaired persons, where feasible.
 - (4) Where public access is within 400 feet of a public street, on-street public parking shall be provided, where feasible. For private developments required to provide more than 20 parking spaces, public parking may be required in addition to the required parking for the development at a ratio of one (1) space per 1,000 square feet of public access area up to three (3) spaces and at one space per 5,000 square feet of public access area for more than three (3) spaces. Parking for public access shall include the parking spaces nearest to the public access area and may include handicapped parking if the public access area is handicapped accessible.
 - (5) Where public trails are indicated on the City's transportation, park, or other plans, construction of trails shall be provided within shoreline and non-shoreline areas of a site.
 - (6) ~~Commercial developments that attract a substantial number of persons and~~ ~~d~~Developments by government/public entities may be required to provide public restrooms, facilities for disposal of animal waste, and other appropriate public facilities. [Halinen Comment: Such requirements of commercial developments are inappropriate and are beyond the scope of the City's authority to exact.]
- ii. Design
- (1) Design of public access shall provide the general public with ~~anthe maximum~~ opportunity to reach, touch, and enjoy the water's edge and to view the water and the shoreline from adjacent locations and shall be as close horizontally and vertically to the shoreline's edge as feasible, provided that public access ~~does~~should not be designed in a way that would be expected to significantly adversely affect sensitive ecological features or lead to an unmitigated reduction in ecological functions.

(2) Design shall minimize intrusions on privacy of adjacent use by avoiding locations adjacent to residential windows and/or outdoor private residential open spaces or by screening or other separation techniques.

(3) ~~Design shall provide for the safety of users, including the control of offensive conduct through public visibility of the public access area, or through provisions for oversight.~~ **[Halinen Comment: Such requirements are too burdensome to impose on private developments.]**

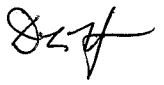
iii. Use and Maintenance

(1) Required public access sites shall be fully developed and available for public use at the time of occupancy of the use or activity or in accordance with other provisions for guaranteeing installation through a monetary performance assurance.

(2) Public access facilities shall be maintained over the life of the use or development. Future actions by successors in interest or other parties shall not diminish the usefulness or value of required public access areas and associated improvements.

(3) Public access provisions shall run with the land and be recorded via a legal instrument such as an easement, or as a dedication on the face of a plat or short plat. Such legal instruments shall be recorded prior to the time of building occupancy or plat recordation, whichever comes first.

(4) Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal recorded agreement.

(5) ~~Public access facilities shall need ordinarily be available to the public during daylight hours only 24 hours per day unless specific exceptions are granted through a shoreline permit process incorporating public notice.~~ **[Halinen Comment: Limiting public access to daylight hours is a reasonable, less burdensome way of providing for public safety and avoiding public nuisances.]** Changes that would reduce in access hours specified in proposed after initial permit approval shall be processed as a shoreline conditional use. 

(6) The standard state-approved logo or other approved signs that indicate the public's right of access and hours of access shall be installed and maintained by the owner. Such signs shall be posted in conspicuous locations at public access sites and at the nearest connection to an off-site public right of way.

f. All property acquired for public access shall meet constitutional and other criteria for regulation, use, and acquisition of property as provided in 4-3-090.E.10.

4-3-090. E.6.g. Public Access Requirements by Reach

SHORELINE REACH	Location	Public Access Objectives
Lake Washington		
Lake Washington Reach A	From Bellevue city limits to Renton city limits	This developed primarily single-family area currently provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but shall be provided if such development occurs consistent with standards of this section.
Lake Washington Reach B	From the city limits to the Seahawks training facility	This is primarily a single-family area with one multi-family development immediately south of the Seahawks Training Center. There is currently no public access. There is a public trail along I-405, but it does not have views of the water. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but shall be provided if such development occurs consistent with standards of this section.
Lake Washington Reach C	From the Seattle Seahawks headquarters and training facility through the former Barbee Mill site.	This reach includes the recently constructed Seattle Seahawks headquarters and training facility to the north and the Barbee Mill subdivision to the south. The Quendall Terminals parcel, between the Seahawks and Barbee Mill sites, is a Superfund site contaminated with coal tar and creosote. There is public access along a portion of the shoreline at the Seahawks site and adjacent to May Creek at the Barbee Mill subdivision. Public harbor lands are along about a third of the subdivision water frontage. The potential for provision of public access from new development will occur after cleanup of the Superfund site with multi-use development, which shall include shoreline access across the entire property, with controlled access to the water's edge, consistent with requirements for vegetation conservation and ecological restoration and provisions for water-dependent use, consistent with standards of this section. Provision of public access from future redevelopment of the Seahawks and Barbee Mill site is possible under the existing zoning, which allows higher intensity use and shall include a continuous public access trail parallel to the shoreline with controlled public access balanced with provisions for ecological restoration, as well as to

SHORELINE REACH	Location	Public Access Objectives
		shared or commercial docks, consistent with standards of this section.
Lake Washington Reach D	From May Creek to Mountain View Avenue	This reach is a single-family area with no public access except Kenneydale Park. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but shall be pursued if such development occurs consistent with standards of this section.
Lake Washington Reach E	From Mountain View Avenue to Gene Coulton Park	This reach is a single-family area with no existing public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but shall be provided if such development occurs consistent with standards of this section.
Lake Washington Reach F	The less developed northerly portion of Gene Coulton Park	Public access is currently provided by a trail system through the park and a variety of primarily passive recreational facilities, a fishing pier and a moorage dock. Public access is one element of park functions that should be continued and incorporated in future plans and balanced with goals for recreation and improving ecologic functions.
Lake Washington Reach G	The more developed southerly portion of Gene Coulton Park	Public access is currently provided by a trail system through the park together with a variety of passive and active recreational facilities, a boat launch, over-water facilities, and concession facilities. Public access is one element of park functions that should be continued as well as incorporated in future plans and balanced with goals for recreation and improving ecologic functions.
Lake Washington Reach H	Southport mixed-use development	Public access is currently provided along the waterfront and should continue in the future as part of multi-use development of the balance of the property consistent with standards of this section. Development should include supporting water-oriented uses and amenities such as seating and landscaping.
Lake Washington Reach I	Boeing Plant and to the Cedar River	This reach is about one-third public harbor lands at the water's edge and two-thirds is the Boeing Company site. Inland ownership is entirely the Renton Boeing Plant. Public access in this area includes the Cedar River Boathouse located on pilings in Lake Washington and

SHORELINE REACH	Location	Public Access Objectives
		accessed from the west from the Cedar River Trail. The boathouse includes a public fishing area and provides canoe and kayak rentals, classes, and guided trips. There is currently no public access on public lands. In the future, if the Boeing site is redeveloped public access should be provided parallel to the shoreline along the entire property, consistent with standards of this section, together with goals for ecological restoration and water-dependent and water-oriented use.
Lake Washington Reach J	Renton Municipal Airport	Public access to the Lake Waterfront is provided from the lawn area of the Will Rogers, Wiley Post Park and should be maintained. If the airport is reconfigured or redeveloped in the future, public access on the shoreline should be one element together with goals for ecological restoration and water-oriented use.
Lake Washington Reach K	From the Renton Municipal Airport to the Seattle city limits	This reach is predominantly single-family area with no existing public access. Public visual access is provided from Rainier Avenue. The potential for public access from single-family development is low because further subdivision is not likely but shall be provided consistent with standards of this section if such development occurs. If redevelopment of non-single-family use occurs, public access shall consist of a public pedestrian walkway parallel to the shoreline along the entire property frontage with controlled access to the water's edge, consistent with standards of this section and requirements for vegetation conservation and ecological restoration.
May Creek		
May Creek A	From the mouth of the creek to Lake Washington Blvd.	This reach is bounded by open space dedicated as part of a subdivision and includes public access provided by a trail along the creek. If additional development occurs adjacent to the streamside, open space standards for vegetation conservation and public access shall be met consistent with standards of this section.
May Creek B	From Lake Washington Blvd to I-405	There is currently no public access in this reach. At the time of re-development, public access should be provided consistent with standards of this section from a trail parallel to the water along the entire property with controlled public access to the water consistent

SHORELINE REACH	Location	Public Access Objectives
		with standards of this section, and goals of preservation and enhancement of ecological functions.
May Creek C	From I-405 to NE 36th Street	This reach includes discontinuous public ownership with some private ownership. At the time of development of private lands, public access should be provided consistent with standards of this section from a trail parallel to the water consistent with trails on public land. All trail development should be set back from the water's edge with controlled public access to the water and consistent with standards of this section and goals of preservation and enhancement of ecological functions. .
May Creek D	From NE 36 th Street to the city limits	This reach is largely King County May Creek Park. Public access is informal and discontinuous. There are some private inholdings along the creek. At the time of development of private lands, public access should be provided consistent with standards of this section from a trail parallel to the water consistent with trails on public land. All trail development should be set back from the water's edge with controlled public access to the water and consistent with standards of this section, and goals of preservation and enhancement of ecological functions.
Cedar River		
Cedar River A	Mouth to Logan Avenue	A public trail is provided on the east side of the river in the Cedar River Park. No public access is provided on the west side of the river adjacent to the municipal airport. Public physical access from a trail parallel to the water should be provided if the Renton Municipal Airport redevelops in the future, balanced with goals of ecological restoration.
Cedar River B	Logan Avenue to I-405 bridges	A public trail is provided on the north side of the river and a variety of public access is provided on the south side, including small city parks. Public access should generally be provided within the corridor of public lands adjacent to the river; however, adjacent private parcels not separated by public streets should provide active open space and other facilities to provide gathering places to enjoy the shoreline environment, together with water-oriented uses. Revisions to the existing trail to relocate further from the water's

SHORELINE REACH	Location	Public Access Objectives
		edge to allow revegetation should be considered in the future as part of public park and river maintenance plans.
Cedar River C	I-405 to the SR 169	A public trail is provided on the former Milwaukee railroad. Public access is provided at a public park on the north side immediately east of I-405. Public physical access along from a trail parallel to the water should be provided as private lands on the north side of the river redevelop, integrated with vegetation conservation, and with controlled public access to the water's edge, balanced with goals of enhancement of ecological functions. The single-family residential area on the north side of the river provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single-family use is not likely but should be pursued if such development occurs.
Cedar River D	SR 169 to UGA boundary	A public trail is provided on the former Milwaukee railroad. It is generally at a distance from the water's edge. Most of this reach is under public ownership or dedicated open space. The primary goal for management of this reach should be ecological enhancement. Additional public access to the water's edge may be provided if consistent with ecological functions. The small residential area at the east end of the UGA provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single-family use is not likely but should be pursued if such development occurs.
Black River / Springbrook Creek		
Black/Springbrook A	From the City Limits to Grady Way	The area west of Monster Road provides no public access. Public physical access from a trail parallel to the water should be provided as private lands redevelop. Interpretive trails are present in the Black River Forest. Expansion of public access should occur only if consistent with ecological functions. A trail system is present on the west side of the

SHORELINE REACH	Location	Public Access Objectives
		stream adjacent to the sewage treatment plant and should be retained and possibly enhanced.
Springbrook B	From Grady Way to SW 16th Street	A trail system is present on WSDOT right of way and crosses under I-405. Enhancement should be implemented as part of future highway improvements or other public agency actions.
Springbrook C	From SW 16th Street to City Limits	<p>A public trail parallel to the stream was developed as part of the Boeing Longacres Office Park and extends from SW 16th Street under Oaksdale Avenue and terminates at the alignment of 19th Street at the parking lot of a pre-existing industrial building. If future development occurs in this area, a continuous trail system connecting to the continuous system to the south should be planned, consistent with protection of ecological values of wetlands and streamside vegetation. There is no trail system along the stream from SW 19th Street to the approximate alignment of SE 23rd Street. A continuous trail system is provided from 23rd Street to the city limits including portions through the Springbrook Wetland Mitigation Bank. If future development occurs in the area of the missing trail link, a trail system connecting to the continuous system to the south should be planned, consistent with protection of ecological values of wetlands and streamside vegetation buffers.</p> <p>There is no trail system along the stream from SW 19th Street to the approximate alignment of SE 23rd Street. A continuous trail system is provided from 23rd Street to the city limits including portions through the Springbrook Wetland Mitigation Bank. If future development occurs in the area of the missing trail link, a trail system connecting to the continuous system to the south should be planned, consistent with protection of ecological values of wetlands and streamside vegetation buffers.</p>
Lake Desire		A trail system is present in public open space in parks around the lake but there is no trail system adjacent to the lake.

SHORELINE REACH	Location	Public Access Objectives
Lake Desire A	17408 West Lake Desire Dr. SE to 18228 West Lake Desire Dr. SE	Public access is provided by a WDFW boat launch; if altered in the future, public access other than boating facilities should include a viewing area. . Existing single-family residential development provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs consistent with standards of this section.
Lake Desire B	17408 West lake Desire Dr. SE to the Natural Area at the south end of the Lake	Existing single-family residential development provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs consistent with standards of this section.
Lake Desire C	Natural Area at the south end of the Lake	There is currently no formal public access to the water at the Natural Area. Interpretive access should be implemented consistent with standards of this section and goals for preservation and restoration of ecological values.
Lake Desire D	From the Natural Area to 17346 West Lake Desire Dr. SE	Existing single-family residential development provides no public access. The potential for provision of public access from new development is low because further subdivision and non-single family use is not likely but should be pursued if such development occurs consistent with standards of this section.

4-3-090. E.7. Facility Arrangement – Shoreline Orientation

- a. General:** Shoreline developments shall locate the water-dependent, water-related, and water-enjoyment portions of their developments along the shoreline and place all other facilities inland to the extent feasible. Development and use shall be designed in a manner that directs land alteration to the least sensitive portions of the site to maximize vegetation conservation; minimize impervious surfaces and runoff; protect riparian, nearshore and wetland habitats; protect wildlife and habitats; protect archaeological, historic and cultural resources; and preserve aesthetic values.

- b. Design and Performance Standards**

- i. Development and use shall be designed in a manner that directs land alteration to the least sensitive portions of the site.
 - (1) Where appropriate, new development shall use clustering to minimize adverse impacts on shoreline ecological functions.
 - (2) An assessment of the existing ecological functions provided by topographic, physical, and vegetation characteristics of the site shall accompany development proposals, provided that an individual single-family residence on a parcel less than 20,000 square feet shall not be subject to this requirement. Such assessments shall include the following general information:
 - (a) Impacts of the proposed use/development on ecological functions with clear designation of existing and proposed routes for water flow, wildlife movement, and other features.
 - (b) Infrastructure requirements such as parking, services, lighting and other features, together with the effects of those infrastructure improvements on shoreline ecological functions.
 - ii. Development shall minimize site alteration in sites with substantial unaltered natural features. On such sites, the following criteria shall apply:
 - (1) Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, and alteration of topography and natural features.
 - (2) Impervious surfacing for parking lot/space areas shall be minimized through the use of under-building parking or permeable surfaces where feasible.
 - (3) Utilities shall share roadway and driveway corridors and rights of way wherever feasible.
 - (4) Development shall be located and designed to avoid the need for structural shoreline stabilization over the life of the development. Exceptions may be made for the limited instances where stabilization is necessary to protect allowed uses, particularly water-dependent uses, where no alternative locations are available and no net loss of ecological functions will result.

- iii. Except in the High Intensity Overlay, Accessory development or use that does not require a shoreline location shall be located outside of shoreline jurisdiction unless such development is required to serve approved water-oriented uses and/or developments. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs and storage of materials shall be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses.
- iv. Shoreline uses shall not deprive other uses of reasonable access to navigable waters. Water-related recreation shall be preserved and enhanced. The rights of treaty tribes to resources within their usual and accustomed areas shall be accommodated.

4-3-090. E.8. Archaeological, Historical, and Cultural Resources

- a. **Principles:** Cultural, scientific, or educational resources are recognized as limited and in many cases are irreplaceable. All development and use must ensure that archaeological, architectural, and other features of cultural value are identified by and appropriately conserved as part of any development.

- b. **Regulations**

- i. The City will work with tribal, state, federal, and other local governments as appropriate to identify significant local historical, cultural, and archaeological sites in observance of applicable state and federal laws protecting such information from general public disclosure. Detailed cultural assessments may be required in areas with undocumented resources based on the probability of the presence of cultural resources.
- ii. Owners of property containing identified or probable historical, cultural, or archaeological sites are encouraged to coordinate well in advance of application for development to assure that appropriate agencies such as the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups have ample time to assess the site and identify the potential for cultural resources.
- iii. Upon receipt of application for a development in an area of known or probable cultural resources, the City shall require a site assessment by a qualified professional archaeologist or historic preservation professional and ensure review by qualified parties including the Washington State Department of Archaeology and Historic Preservation, affected tribes, and historic preservation groups.
- iv. If historical, cultural, or archaeological sites or artifacts are discovered in the process of development, work on that portion of the site shall be stopped immediately, the site secured, and the find reported as soon as possible to the reviewing official. Upon notification of such find, the property owner shall notify the Washington State Department of Archaeology and Historic Preservation and affected tribes. The reviewing official shall provide for a site investigation by a qualified professional and may provide for avoidance, or conservation of the resources, in coordination with appropriate agencies.

- v. Land owners are encouraged to provide access to qualified professionals and the

general public if appropriate for the purpose of public education related to a cultural resource identified on a property.

4-3-090. E.9. Standards for Density, Setbacks, and Height

- a. Standards for density, setbacks, height, and other provisions are designed to ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline or avoid cumulative and ongoing adverse impacts, or enhance and restore ecological functions consistent with the purpose of the Shoreline Area Designation.

b. Regulations

- i. Table 4-3-090. E.9 Shoreline Bulk Standards: This table establishes the minimum required dimensional requirements for development including all structures and substantial alteration of natural topography. Additional standards may be established in Section 4-3-090. F. Shoreline Use Policies and Regulations and Section 4-3-090. G Shoreline Modification.

- ii. Table 4-3-090.E.9 replaces the standards of RMC 4-2-120A for those specific standards enumerated. All other standards of the City Comprehensive Plan, development regulations, critical areas regulations, flood control regulations, subdivision regulations, health regulations, and other adopted regulatory provisions apply within shoreline jurisdiction. In the event the provisions of this Program conflict with provisions of other City regulations, the more restrictive shall prevail.

iii. Measurement

- (1) Horizontal measurement shall be measured outward on a plane and in the direction that results in the greatest dimension from property lines, or from other features specified.

- (2) Height is measured from average grade level (the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed building or structure) to the highest point of a structure provided that television antennas, chimneys, and similar appurtenances shall not be used in calculating height; provided further, that temporary construction equipment and poles and towers supporting electrical distribution and transmission communication lines and similar utilities towers are not subject to height limits but shall not be higher than necessary to achieve the intended purpose.

- iv. The following development activities are not subject to buffers and setbacks, provided that they are constructed and maintained in a manner that minimizes adverse impacts on shoreline ecological functions, and provided further that they comply with all the applicable regulations in RMC Chapter 4:

- (1) Those portions of approved water-oriented development that require a location waterward of the ordinary high water mark of streams, rivers, lakes, ponds, marine shorelines, associated wetlands, and/or within their associated buffers.

- (2) Underground utilities and storm drains.
- (3) Modifications to existing development that are necessary to comply with environmental requirements of any agency, when otherwise consistent with this Program, provided that the reviewing official determines that:
 - (a) The facility cannot meet the dimensional standard and accomplish the purpose for which it is intended;
 - (b) The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible; and
 - (c) The modification is in conformance with the provisions for non-conforming development and uses.
- (4) Roads, railways, and other essential public facilities that must cross shorelines and are necessary to access approved water-dependent development subject to development standards in Section 7.
- (5) Stairs and walkways not greater than 5 feet in width or 18 inches in height above grade, except for railings.
- (6) An essential public facility or public utility where the reviewing official determines that:
 - (a) The facility cannot meet the dimensional standard and accomplish the purpose for which it is intended; and
 - (b) The facility is located, designed, and constructed to meet specified dimensional standards to the maximum extent feasible.
- (7) Shared moorages shall not be subject to sideyard setbacks when located on or adjacent to a property line shared in common by the project proponents and where appropriate easements or other legal instruments have been executed providing for ingress and egress to the facility.
- (8) Storm water ponds.
- (7)(9) Areas that provide compensating flood storage.

4-3-090. E.10. Private Property Rights

Regulation of private property to implement Program goals such as public access and protection of ecological functions must be consistent with all relevant constitutional and other legal limitations. These include, but are not limited to, civil rights guaranteed by the United States Constitution and the Washington state constitutions, ~~applicablerecent~~ federal and state case law, and state statutes, such as RCW 34.05.328, 43.21C.060, and 82.02.

4-3-090. E.11. Treaty Rights

Rights reserved or otherwise held by Indian Tribes pursuant to Treaties, Executive Orders, or Statutes, including rights to hunt, fish, gather, and related rights, may not be impaired or limited by the Shoreline Master Program. Permit review should address such rights.

Table 4-3-090. E.9 Shoreline Bulk Standards

Standard

Standard	Natural	Urban Consevrancy	Shoreline Single Family	High Intensity	High Intensity Isolated	Aquatic
Setbacks and Buffers						
Building Setback from Ordinary High Water Mark (OHWM)						
Water Dependent Use	100	100	None(1)	None(1)	(13)	NA
Water Oriented Use	100	100	100 or (2)	100 or (3) or (15)	(13)	NA
Non-Water Oriented Use	100	100	100 or (2)	100 or (4) or (15)	(13)	NA
Vegetation Conservation Buffer	100	100 or (3)(4)	100 or (2)	100 or (3) or (4) or (15)	(13)	NA
Building Height						35 feet (7)
Distance from OHWM						
0 to 100 feet	NA	NA	2 stories/ 30 feet (5)	35 feet (7)(8)	(9)	NA
100 feet to end of Shoreline	15 feet	2 stories/ 30 feet(5)	2 stories/ 30 feet (5)	Generally 35 feet, but 70 feet within Cedar River	(9)	NA

Standard

	Natural	Urban Conservancy	Shoreline Single Family	High Intensity	High Intensity Isolated	Aquatic
Accessory Building	15 feet	15 feet	15 feet	NA	(9)	NA
Impervious Area within 100 feet of OHWM	NA	5%/10%(11)	5%/50% (11)	5%/50% (12)	(14)	
Maximum Lot Coverage for Buildings within 100 feet of OHWM	(12) 5%	(12) 5%.	(12) 25%	(13)	(14)	
Maximum Lot Coverage for Buildings more than 100 feet from OHWM	5%	15%	35%	(14)	(14)	
SETBACKS						
Front Yard, Side Yard, Rear Yard	Governed by RMC 4-2 except in cases where specific shoreline performance standards provide otherwise					

- (1) Setback shall be the maximum determined by the specific needs of the Water Dependent Use and shall not apply to a structure housing any other use.
- (2) Building setback and buffer may be based on lot depth as provided in Section 8.01.C.
- (3) Water-oriented uses may be established closer to OHWM only in cases where the Vegetation Management Buffer is varied in accordance with Section 8.01 and shall be no closer than 50 feet.
- (4) Non-water-oriented uses may be established closer to OHWM only in cases where the Vegetation Management Buffer is varied in accordance with Section 8.01 and shall be no closer than 75 feet.
- (5) Two (2) stories and 30 ft. for standard roof, 2 stories and 35 ft. for roofs having a pitch greater than 3/12.

(6) Additional height up to that established in RMC 4-2 may be allowed for a mixed use development.

(7) Additional height may be allowed if essential to the function of a water-dependent use.

(8) Height up to that established in RMC 4-2 may be allowed in the following reaches:

Lake Washington Reach C – Additional height may be allowed subject to a transition for height greater than 35 feet equal to a slope of 1 horizontal to 2 vertical from the point 100 feet from OHWM to the point at which maximum height is reached, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the buffer, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height.

Lake Washington Reaches H and I – Additional height may be allowed for mixed use containing water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal from a height of 35 feet from the building closest to the OHWM, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the buffer and the transition slope provided within 100 feet of OHWM shall be at a maximum slope of 1 vertical to 2 horizontal, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height.

Lake Washington Reach J – Additional height may be allowed in the Renton Municipal Airport for any structure for which additional height is essential for airport operation and there is no feasible location outside the shoreline.

Cedar River Reach A – Additional height may be allowed in the Renton Municipal Airport for any structure for which additional height is essential for airport operation and there is no feasible location outside the shoreline.

Cedar River Reach B – Additional height may be allowed for mixed use containing water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal from the elevation of the OHWM.

Cedar River Reach C – Additional height may be allowed for mixed use containing water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal generally from a height of 35 feet (but from a height of 70 feet in Cedar River Reach C) from the building closest to the OHWM, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the buffer and the transition slope provided within 100 feet of OHWM shall be at a maximum slope of 1 vertical to 2 horizontal, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height (compared to that allowed by a 70-foot height in Cedar River Reach C).

Black River A - Additional height may be allowed for mixed use containing water-oriented use, provided a transition is provided equal to a slope of 1 vertical to 1 horizontal from a height of 35 feet from the building closest to the OHWM, provided that if the Vegetation Management Buffer is varied to be less than 100 feet, the transition may occur at the edge of the vegetated buffer and the transition slope provided within 100 feet of OHWM shall be at a maximum slope of 1 vertical to 2 horizontal, and provided no additional floor area is allowed by additional height in the area within 100 feet from OHWM compared to that allowed by a 35-foot height.

Springbrook Creek Reaches B through D - Additional height may be allowed, provided a transition is provided equal to a slope of 1 vertical to 2 horizontal from the elevation of the OHWM and provided no additional floor area is allowed by additional height in the area within 100 feet from the OHWM compared to that allowed by a 35-foot height.

(9) Height is governed by the underlying standards in RMC 4-2, provided that if A property is separated from OHWM by an intervening parcel in separate ownership and the distance from OHWM is less than 100 feet, the height adjacent to the intervening parcel is limited to an increase over the maximum allowed use of the intervening parcel at a slope of 1 vertical to 1 horizontal.

(10) Up to 5% impervious surface is allowed in Vegetation Conservation Area Buffers for access to the shoreline, or a pathway up to 6 feet wide, whichever is greater, provided that in cases where the depth of the Vegetation Management Buffer is varied in accordance with Section 8.01 that portion of the first 100 feet from OHWM upon which development is located may be permitted a maximum of 50 % impervious surface.

(11) Up to 5% impervious surface is allowed in Vegetation Conservation Area buffers for access to the shoreline, or a pathway up to 6 feet wide, whichever is greater, provided that in cases where the depth of the Vegetation Management Buffer is varied in accordance with Section 8.01 that portion of the first 100 feet from OHWM upon which development is located may be permitted the following impervious surfaces:

Lake Washington Reach C – Up to 50% impervious surface

Lake Washington Reaches H and I – Up to 75% impervious surface

Lake Washington Reach J – No limit is provided for the Renton Municipal Airport. Future redevelopment of the site may be allowed up to 50% impervious surface

Cedar River Reach A – No limit is provided for the Renton Municipal Airport. Future redevelopment of the site may be allowed up to 50% impervious surface

Cedar River Reach B – No limit to impervious surface

Cedar River Reach C – Up to 50% impervious surface

Cedar River Reach D – No more than 5% impervious surface

Springbrook Creek Reaches B through D – No more than 65% impervious surface

- (12) No building coverage is allowed in Vegetation Conservation Area buffers except if the depth is varied in accordance with Section 8.01 that portion of the first 100 feet from OHWM upon which development is located may be permitted the following coverage:

Lake Washington High Intensity Overlay District– Up to 50% building coverage

Cedar River Reach A – Up to 20% for the Renton Municipal Airport. Future redevelopment of the site may be allowed up to 50 percent building coverage

Cedar River Reach B – No limit on building coverage

Cedar River Reach C – Up to 50% building coverage

Cedar River Reach D – No more than 5% building coverage

Green River A – Up to 50% building coverage

Springbrook Creek Reach A – No more than 5% building coverage

Springbrook Creek Reaches B through D - Up to 50% building coverage

- (13) Governed by RMC 4-2 Development Standards

- (14) Governed by RMC 4-2 Development Standards

- (15) In site-specific cases (such as along the Old Stoneway Site's bulkheaded Cedar River frontage, which is largely unvegetated) where (a) a net gain in shoreline ecological functions can be achieved (such as by planting overhanging vegetation within the setback/buffer) and (b) public access to the shoreline can be achieved via a riverfront trail within the setback/buffer, the width of the setback/buffer shall be 50 feet.

4-3-090. F. SPECIFIC USE REGULATIONS

4-3-090. F.1 Aquaculture

Aquaculture is a water-dependent use and, when consistent with control of pollution and prevention of damage to the environment, and preservation of resident native species habitat, is a preferred use of the shoreline.

- a. Aquaculture operations may be located on streams and rivers, EXCEPT in Natural Overlay Districts and Single Family Overlay Districts.
- b. Aquaculture shall not be permitted in areas where it would result in a net loss of ecological functions and shall be designed and located so as not to spread disease to native aquatic life, or establish new non-native species which cause significant ecological impacts.
- c. Aquaculture facilities shall not significantly impact the aesthetic qualities of the shoreline.
- d. All structures over or in the water shall meet the following restrictions:
 - i. They shall be securely fastened to the shore.
 - ii. They shall be designed for a minimum of interference with the natural systems of the waterway including, for example, water flow and quality, fish circulation, and aquatic plant life.
 - iii. They should not prohibit or restrict other human uses of the water, such as swimming and/or boating.
 - iv. They shall be set back appropriate distances from other shoreline uses, if potential conflicts exist.

4-3-090. F.2 Boat Launching Ramps

Public boat launching ramps are a means to expand public recreation use of the water and therefore are a preferred use under the Shoreline Management Act. Any new boat launching ramp shall be public, except those related to a marina, water-dependent use, or providing for hand launching of small boats with no provisions for vehicles or motorized facilities

- a. The provision of boat launching ramps on Lake Washington should be coordinated among jurisdictions to assure adequate facilities for the regional community of users.
- b. Choice of sites for boat launching ramps shall ensure no net loss of ecological functions through assessment of the shoreline conditions and impacts of alteration of those conditions, as well as the disturbance resulting from the volume of boat users.
- c. Launch ramps location shall consider impacts on adjacent uses including:
 - i. Traffic generation and the adequacy of public streets to service.

- ii. Impacts on adjacent uses, including noise, light, and glare.
- iii. Hours of operation may be restricted to assure compatibility.
- iv. Potential impacts on aquatic habitat, including impacts of disturbance by boats using the facility.

d. Water and Shore Characteristics

- i. Water depth shall be deep enough off the shore to allow use by boats without maintenance dredging.
- ii. Water currents and movement and normal wave action shall be suitable for ramp activity.
- e. **Topography:** The proposed area shall not present major geological or topographical obstacles to construction or operation of the ramp. Site adaptation such as dredging shall be minimized.
- f. The ramp shall be designed so as to allow for ease of access to the water with minimal impact on the shoreline and water surface.
- g. **Surface Materials:** The surface of the ramp may be concrete, precast concrete, or other hard permanent substance. Loose materials, such as gravel or cinders, will not be used. The material chosen shall be appropriate considering the following conditions:
 - i. Soil characteristics
 - ii. Erosion
 - iii. Water currents
 - iv. Waterfront conditions
 - v. Usage of the ramp
 - vi. Durability
 - vii. Avoidance of contamination of the water

h. Shore Facilities

- i. Adequate on-shore parking and maneuvering areas shall be provided based on projected demand. Provision shall be made to limit use to available parking to prevent spillover outside designated parking areas.
- ii. Engineering design and site location approval shall be obtained from the appropriate City department.

4-3-090. F.3 Commercial and Community Services

The basic policies for commercial use in Renton are established by the Comprehensive Plan. Shoreline commercial use has the potential to positively support policies for water-oriented use of the shoreline, as well as increasing public access and recreational enjoyment of the shoreline.

- a. New commercial and community services developments are encouraged on the shoreline where consistent with the Comprehensive Plan goals and the priorities in this Program for water-oriented use, mixed use, nonwater-oriented use with~~and~~ public access.
- b. New commercial and community services developments on Lake Washington are subject to the following preferences and priorities:
 - i. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment commercial uses. Prior to approval of water-dependent uses, the reviewing official shall review a proposal for design, layout, and operation of the use and shall make specific findings that the use qualifies as a water-dependent use. Mixed-use development that incorporates water-dependent use within 100 feet of the OHWM may not include non-water-oriented uses at the ground level.
 - ii. Water-related commercial uses may not be approved if they displace existing water-dependent uses. Prior to approval of a water-related commercial use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more convenient. Mixed use development within 100 feet of the OHWM that incorporates water-dependent use may not include non-water-oriented uses at the ground level. Allowed water-related commercial uses shall be evaluated in terms of whether the use facilitates a state-wide interest, including increasing public access and public recreational opportunities in the shoreline.
 - iii. Water-enjoyment commercial uses may not be approved if they displace existing water-dependent or water-related uses or if they occupy space designated for water-dependent or water-related use identified in a substantial development permit or other approval. Prior to approval of water-enjoyment uses, review of the design, layout, and operation of the use shall confirm that the public's ability to enjoy the physical and aesthetic qualities of the shoreline is a primary characteristic of the use. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment for a substantial number of people. Development within 100 feet of the OHWM that incorporates water-enjoyment use may not include non-water-oriented uses or activities at the ground level. Allowed water-enjoyment commercial uses shall be evaluated in terms of whether the use facilitates a state-wide interest, including increasing public access and public recreational opportunities in the shoreline.
 - iv. Non-water-oriented commercial uses may be permitted where:
 - (1) Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program.

- (2) Proposed on a site where navigability is severely limited.

- (3) All non-water-oriented commercial uses are prohibited in shoreline jurisdiction on parcels that abut the water's edge unless the use provides significant public benefit with respect to the objectives of the Act by:
- (a) Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards for the specific reach as specified in 4-3-090.G.1. and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA 8 and 9 Salmon Restoration Plans.
 - (b) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access.
- c. New commercial and community services developments on shorelines other than Lake Washington are subject to the following preferences and priorities:
- i. Water-dependent commercial uses shall be given preference over water-related and water-enjoyment commercial uses. The primary water-dependent use potential on shoreline streams is recreational. Design layout and operation of all uses shall preserve the potential for recreational use of the shoreline to the maximum extent feasible.
 - ii. Water-related commercial uses are the next priority for shoreline location and may not be approved if they displace existing water-dependent uses. If water-dependent uses are placed on the first floor of a multi-use development, non-water-oriented development may be placed on upper floors.
 - iii. Water-enjoyment commercial uses are the next priority for shoreline location. They may not be approved if they displace existing water-dependent or water-related uses. Prior to approval of water-enjoyment uses, review of the design, layout, and operation of the use shall confirm that the public's ability to enjoy the physical and aesthetic qualities of the shoreline is a primary characteristic of the use. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment for a substantial number of people.
 - iv. Non-water-oriented commercial uses may be permitted where located on a site physically separated from the shoreline by another property in separate ownership or a public right-of-way such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program. All other non-water-oriented commercial uses are prohibited in the shoreline unless the use provides significant public benefit with respect to the objectives of the Act and is part of a mixed-use project that includes water-dependent uses and/or provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.
- d. When permitted, commercial and community services uses shall provide ecological restoration and/or public access:
- i. Water-dependent commercial uses located on or adjacent to the water shall provide public access in a manner that will not interfere with the water-dependent aspects of the use. The portion of a site not required for water-oriented use may include mixed use, ecological

restoration, and public access. All uses shall provide public access in accordance with Section 6.06.

- ii. When permitted, non-water-dependent commercial uses shall provide ecological restoration and/or public access as follows:

- (1) Except as otherwise provided in this SMP, Restoration of ecological functions both in aquatic and upland environments shall vary by the specific reach as specified in 4-3-090.G.1. and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA 8 and 9 Salmon Restoration Plans.

- (2) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access and/or for uses listed 4-3-090. E.9.b.iv .

- e. Over-water structures are allowed only for those portions of water-dependent commercial uses that require over-water facilities or for public recreation and public access facilities. Non-water-dependent commercial uses shall not be allowed over water except in limited instances where they are appurtenant to and necessary in support of water-dependent uses.

- f. Except as otherwise provided in this SMP, Ssetbacks for non-water-dependent commercial buildings shall provide for public access adjacent to the water and shall be located no closer than 100 feet from the ordinary high water mark; provided this requirement may be reduced through the conditional use process for specific designs that improve the overall quality of public access to and along the water's edge and maintain the ecological functions of Vegetation Conservation buffers in accordance with 4-3-090.G.1.:

- g. All new or expanded commercial and community services developments shall take into consideration the scenic and aesthetic qualities of the shoreline and compatibility with adjacent uses as provided in 4-3-090. E.5 and 4-3-090.E.7.

4-3-090. F.4 Industrial Use

Existing industrial development on Shorelines in Renton is designated in the Comprehensive Plan for future mixed use at such time as industrial use ceases. There are currently no water-dependent industrial uses. The Renton shoreline does not have sites particularly suitable for harbors with access to supporting systems appropriate for water-dependent industrial use.

- a. Industrial developments should be permitted subject to the following priorities and preferences:
 - i. New industrial uses in new structures within 100 feet of the shoreline must be water-dependent, provided that existing non-water-dependent uses may be retained and expanded, subject to provisions for non-conforming uses activities and sites shall conform to non-conforming provisions and provided that expansion of structures that reduce the setback between the building and the water shall be subject to review as new development. Changes in use are limited to existing structures.
 - ii. Water-related industrial uses may not be approved if they displace existing water-dependent uses. Prior to approval of a water-related industrial use, review of the design, layout, and operation of the use shall confirm that the use has a functional requirement for a waterfront location, or the use provides a necessary service supportive of the water-dependent uses, and/or the proximity of the use to its customers makes its services less expensive and/or more

convenient. Allowed water-related commercial uses shall be evaluated in terms of whether the use facilitates a public interest, including increasing public access and public recreational opportunities in the shoreline.

iii. Non-water-oriented industrial uses may be permitted where:

- (1) Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way or an existing bulkhead such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program; or-
 - (2) On a site that abuts the water's edge where navigability is severely limited and where the use provides significant public benefit with respect to the objectives of the Act by:
 - (a) Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers according to the standards for the specific reach as specified in 4-3-090.G.1. and in accordance with the Restoration Element of this plan and other plans and policies including the WRIA 8 and 9 Salmon Restoration Plans; and-
 - (b) The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in accordance with 4-3-090. E.6 and/or for uses listed 4-3-090. E.9.b.iv.
- b. Except in regard to non-water-oriented industrial uses permitted under 4-3-090. F.4.a.iii. Any new use of facility or expansion of existing facilities shall minimize and cluster those water-dependent and water-related portions of their development along the shoreline and place inland all facilities which are not water dependent.
 - c. Over-water structures are allowed only for those portions of water-dependent industrial uses that require over-water facilities. Any over-water structure is water dependent, is limited to the smallest reasonable dimensions, and is subject to Shoreline Conditional Use approval.
 - d. New industrial development may not introduce exterior storage of materials outside of buildings within shoreline jurisdiction, except by approval of a Shoreline Conditional Use subject to the additional criteria that exterior storage is essential to the use.
 - e. Each industrial use shall demonstrate that no spill or discharge to surface waters will result from the use or shall demonstrate in the permit application a specific program to contain and clean up spills or discharges of pollutants associated with the industrial use and activity.
 - f. Offshore log storage shall only be allowed only to serve a processing use and shall be located where water depth is sufficient without dredging, where water circulation is adequate to disperse polluting wastes and where they will not provide habitat for salmonid predators.

New or expanded industrial developments shall take into consideration the scenic and aesthetic

4-3-090. F.5 Marinas

Marinas provide opportunities for the public to enjoy boating activities which are consistent with the goals of the Act to encourage public enjoyment of the water. The location, size, and design of marinas must ensure no net loss of ecological functions.

a. Marinas on Lake Washington shall be permitted only when:

- i. Detailed analysis of ecological conditions demonstrate that they will not result in a net loss of ecological functions and specifically will not interfere with natural geomorphic processes including delta formation, or adversely affect native and anadromous fish.
- ii. Future dredging is not required to accommodate navigability.
- iii. Adequate on-site parking is available commensurate with the size and character of moorage facilities provided (see 4-3-090.F.5.c.v below).
- iv. Adequate water area is available commensurate with the actual moorage facilities provided.
- v. The location of the moorage facilities is adequately served by public roads.

b. Location Criteria

- i. Marinas shall not be located near beaches commonly used for swimming unless no alternative location exists, and mitigation is provided to minimize impacts to such areas and protect the public health, safety, and welfare.
- ii. Marinas and accessory uses shall be located only where adequate utility services are available, or where they can be provided concurrent with the development.
- iii. Marinas, launch ramps, and accessory uses shall be designed so that lawfully existing or planned public shoreline access is not unnecessarily blocked, obstructed, nor made dangerous.

c. Design Requirements

- i. Marinas shall be designed to result in no net loss of ecological functions.
- ii. Marinas and boat launches shall provide public access for as many water-dependent recreational uses as possible, commensurate with the scale of the proposal. Features for such access could include, but are not limited to docks and piers, pedestrian bridges to offshore structures, fishing platforms, artificial pocket beaches, and underwater diving and viewing platforms.
- iii. Dry upland boat storage is preferred for permanent moorage in order to protect shoreline ecological functions, efficiently use shoreline space, and minimize consumption of public water surface areas unless:
 - (1) No suitable upland locations exist for such facilities; or
 - (2) It is demonstrated that wet moorage would result in fewer impacts to ecological functions; or

- (3) It is demonstrated that wet moorage would enhance public use of the shoreline.
- iv. Marinas, launch ramps, and accessory uses shall be located and designed with the minimum necessary shoreline stabilization.
- v. Parking and loading areas shall be provided in accordance with the following:
 - (4) Private and public marinas: two (2) per three (3) slips; private marina associated with residential complex: one (1) per three (3) slips.
 - (5) Special designated loading areas shall be provided near piers in the amount of one (1) parking space per twenty-five (25) slips;
 - (6) Parking areas not associated with loading areas shall be sited as far as feasible from the water's edge and outside of vegetated buffers described in 4-3-090.G.1.
- vi. Public access shall be required in accordance with 4-3-090.E.6.
- vii. Piers and docks shall meet standards in 4-3-090F.07.
- viii. New covered moorage for boat storage is prohibited. Covered over-water structures may be permitted only where vessel construction or repair work is to be the primary activity and covered work areas are demonstrated to be the minimum necessary over water structures.

d. Operation Requirements

- i. Marinas and other commercial boating activities shall be equipped with facilities to manage wastes, including:
 - (1) Marinas with a capacity of 100 or more boats, or further than one (1) mile from such facilities, shall provide pump-out, holding, and/or treatment facilities for sewage contained on boats or vessels.
 - (2) Discharge of solid waste or sewage into a water body is prohibited. Marinas and boat launch ramps shall have adequate restroom and sewage disposal facilities in compliance with applicable health regulations.
 - (3) Garbage or litter receptacles shall be provided and maintained by the operator at locations convenient to users.
 - (4) Disposal or discarding of fish or shellfish cleaning wastes, scrap fish, viscera, or unused bait into water or in other than designated garbage receptacles near a marina or launch ramp is prohibited.
 - (5) Public notice of all regulations pertaining to handling and disposal of waste, sewage, fuel, oil or toxic materials shall be reviewed and approved and posted where all users may easily read them.
- ii. Fail safe facilities and procedures for receiving, storing, dispensing, and disposing of oil or hazardous products, as well as a spill response plan for oil and other products, shall be required of new marinas and expansion or substantial alteration of existing marinas.

Handling of fuels, chemicals, or other toxic materials must be in compliance with all applicable federal and state water quality laws as well as health, safety, and engineering requirements. Rules for spill prevention and response, including reporting requirements, shall be posted on site.

- e. Marinas are prohibited on all shorelines except Lake Washington.

4-3-090.F.6 Mining: All mining, including surface mining, shall be prohibited within shoreline jurisdiction.

4-3-090.F.7 Piers and Docks

- a. Piers and docks shall be designed to minimize interference with the public use of the water surface and shoreline.
- b. The use of floating docks in lieu of other types of docks is to be encouraged in those areas where scenic values are high and where substantial conflicts with recreational boaters and fishermen will not be created.
- c. The expansion of existing piers and docks is preferred over the construction of new facilities.
- d. All piers and docks shall result in no net loss of ecological functions.
- e. Piers or docks are allowed for the following uses subject to the following criteria:
 - i. A pier or dock providing private recreational moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used only as a facility to access watercraft owned by the occupant.
 - ii. A pier or dock which is constructed for private joint use by two or more single-family waterfront property owners is considered a water-dependent use provided that it is designed and used only as a facility to access watercraft owned by the occupants.
 - iii. A community pier or dock in new waterfront single-family subdivisions is considered a water-dependent use provided that it serves only waterfront lots and is designed and used only as a facility to access watercraft owned by the occupants.
 - iv. Water-dependent commercial and industrial uses may develop docks and piers to the extent that they are required for the water-dependent use.
 - v. Piers and docks developed for non-water dependent uses must provide public access or public water-oriented recreation.
- f. The responsibility rests on the applicant to affirmatively demonstrate the need for the proposed pier or dock in his/her application for a permit, except for a dock accessory to a single-family residence on an existing lot, which is not subject to demonstration of need but is subject to demonstration that shared moorage is not available or cannot be reasonably developed to serve lots in a subdivision and is subject to location and design standards. .
- g. The approval of a new dock or pier or a modification or extension of an existing dock or pier shall include a finding that the following criteria have been met:

- i. Docks, piers, and mooring buoys, including those accessory to single-family residences, shall avoid, or, if that is not possible, minimize and mitigate adverse impacts to shoreline ecological functions such that no net loss of ecological functions results.
- ii. A dock providing private recreational moorage associated with a single-family residence is considered a water-dependent use provided that it is designed and used only as a facility to access watercraft owned by the occupant, and other moorage facilities are not available or feasible.
 - (1) A new dock providing for private recreational moorage for an individual lot may not be permitted in subdivisions approved on or before January 28, 1993, unless where shared moorage is not available, and where there is no homeowners association or other corporate entity capable of developing shared moorage:
 - (2) A new dock shall not be allowed for an individual lot in cases where a joint use dock has been constructed to serve the subject lot. Prior to approval of a new dock for private recreational moorage for an individual lot, the owner must demonstrate that adjacent owners have been contacted and they have declined to develop or utilize a shared dock.
 - (3) A new dock may be approved only in cases where use of a mooring buoy is demonstrated to be impractical.
 - (4) Use of a dock accessory to a single-family residence is limited to that resident only, and to incidental use by temporary guests. No fees or other compensation may be charged for use by non-residents of piers or docks accessory to residences.
 - (5) Over-water construction not required for moorage purposes is regulated as a recreation use.
- h. Shared moorage shall be provided for all new residential developments of more than two (2) single-family dwelling units. New subdivisions shall contain a restriction on the face of the plat prohibiting individual docks. A site for shared moorage shall be owned in undivided interest by property owners within the subdivision. Shared moorage facilities shall be available to property owners in the subdivision for community access and may be required to provide public access depending on the scale of the facility. If shared moorage is provided, the applicant/proponent shall file at the time of plat recordation a legally enforceable joint use agreement. Approval shall be subject to the following criteria:
 - i. Shared moorage to serve new development shall be limited to the amount of moorage needed to serve lots with water frontage. Shared moorage use by upland property owners shall be reviewed as a marina.
 - ii. As few shared docks as possible shall be developed. Development of more than one dock shall include documentation that a single dock would not accommodate the need or that adverse impacts on ecological functions would result from the size of dock required.
 - iii. The size of the dock or docks shall be commensurate with the actual need for moorage by lots with water frontage. One moorage space per lot may not be presumed.
 - iv. The size of a dock must consider the use of mooring buoys for some or all moorage needs and the use of all or part of the dock to allow tender access to mooring buoys.

- v. Public access shall be provided over all shared docks utilizing public aquatic lands that accommodate five (5) or more vessels.
- vi. Docks serving more than four single family residences shall comply with the policies and regulations for marinas.
- i. New or expanded piers and docks allowed for water-dependent uses shall be consistent with the following criteria:
 - i. Water-dependent uses shall specify the specific need for over-water location and shall be restricted to the minimum size necessary to meet the needs of the proposed water-dependent use.
 - ii. Water-related, water-enjoyment and mixed uses may be allowed as part of a dock or pier to serve as water-dependent use structures where they are clearly auxiliary to and in support of water-dependent uses, provided the minimum size requirement needed to meet the water-dependent use is not violated.
 - iii. Public access is required over all docks utilizing public aquatic lands that serve water-dependent uses, water-enjoyment uses and mixed uses, provided it does not preclude the water-dependent use.
 - iv. The dock or pier length shall not extend beyond a length necessary to provide reasonable and safe moorage.
 - v. The dock or pier shall not interfere with the public use and enjoyment of the water nor create a hazard to navigation.
 - vi. The dock or pier shall not result in the unreasonable interference with the use of adjacent docks and/or piers.
 - vii. The dock or pier must comply with the design criteria specified in the following sections.
- j. **Design Criteria - General**
 - i. Pier Type: All piers and docks shall be built of open pile construction except that floating docks may be permitted where there is no danger of significant damage to an ecosystem, where scenic values are high and where one or more of the following conditions exist:
 - (1) Extreme water depth, beyond the range of normal length piling.
 - (2) A soft bottom condition, providing little support for piling.
 - (3) Bottom conditions that render it not feasible to install piling.
 - ii. All piers and docks shall be constructed and maintained in a safe and sound condition.
 - iii. Approaches to piers and docks shall consist of ramps or other structures that span the entire foreshore to the point of intersection with stable upland soils. Limited fill or excavation may be allowed landward of the OHWM to match the upland with the elevation of the pier or dock.

- iv. Applicants for the new construction or extension of piers and docks or the repair and maintenance of existing docks shall use materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials used for submerged portions of a pier or dock, decking, and other components that may come in contact with water shall be approved by applicable state agencies for use in water to avoid discharge of pollutants from wave splash, rain or runoff. Wood treated with creosote, pentachlorophenol or other similarly toxic materials is prohibited. Pilings shall be constructed of untreated materials, such as untreated wood, approved plastic composites, concrete or steel.
- v. Pile spacing shall be the maximum feasible to minimize shading and avoid a "wall" effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms, or result in structure damage from driftwood impact or entrapment. The first piling set shall be spaced at the maximum distance feasible to minimize shading and shall be no less than 18 feet. Pilings beyond the first set of piles shall be spaced as far apart as feasible and generally no closer than 18 feet apart, unless specific substrate conditions or structural requirements provide otherwise, and shall be no greater than 12-inches in diameter.
- vi. In order to minimize impacts on nearshore areas and avoid reduction in ambient light level:
 - (1) The width of piers, docks, and floats shall be the minimum necessary to serve the proposed use.
 - (2) Ramps shall span as much of the nearshore as feasible.
 - (3) Dock surfaces shall be designed to allow light penetration.
 - (4) Lighting facilities shall be limited to the minimum extent necessary to locate the pier or dock at night for docks serving residential uses. Lighting to serve water-dependent uses shall be the minimum required to accommodate the use and may not be used when the water-dependent aspects of the use are not in operation. Lights shall avoid illuminating the water surface.
- vii. When existing docks or piers are repaired, replaced, or reconstructed, owners shall be required to use methods and materials and other specifications of this section in addition to the requirements as follows:
 - (1) When the repair and/or replacement involves up to twenty-nine percent (29%) of the dock/pier area or eleven to twenty-nine percent (11 - 29%) of the number of pilings, materials specified in these regulations must be used for all replacement parts and components.
 - (2) When the repair/replacement involves thirty percent (30%) or more of the dock/pier area or more than thirty percent (30%) of the number of pilings, the entire structure shall be replaced in compliance with these regulations.
 - (3) When the existing dock/pier is moved or expanded or the shape reconfigured, the entire structure shall be replaced in compliance with these regulations.
- viii. Boat houses or other covered moorage are not allowed on any moorage facility. Temporary vessel covers must be attached to the vessel.

- ix. Seaplane moorage may be accommodated at any dock that meets the standards of this Program.

k. Design Criteria for Single-Family Docks and Piers

- i. There shall be no more than one pier per developed waterfront lot or ownership.
- ii. Length
 - (1) Dock length shall be the minimum needed to provide moorage for a single vessel and up to two personal watercraft (jet skis) provided that the maximum length of a dock, pier or float is 80 feet beyond the ordinary high-water line into the water.
 - (2) The maximum length of ells and fingers is 26 feet. The maximum length of a float is 20 feet.
 - (3) Additional length may be requested as an Administrative Shoreline Conditional Use in accordance with the criteria of RMC 4-9-197.I.5 and the additional criteria that the applicant demonstrate that additional length is needed to provide adequate depth for moorage of a private pleasure craft for use of the owner commensurate in size with pleasure craft normally associated with other single family development in the vicinity.
- iii. Width
 - (1) The maximum width of a pier walkway shall be four (4) feet
 - (2) Maximum width of with ells and floats shall be up to six (6) feet wide.
 - (3) Maximum width of any additional fingers is two (2) feet wide.
 - (4) The maximum width of a ramp connecting a pier to a float is a 3 foot walking surface.
 - (5) Provided that the widths above may be increased to provide for handicapped access
- iv. All pier walkways must be fully grated and ells and floats must have a minimum 2-foot strip of grating down the center.
- v. No portion of a pier or dock for the sole use of a private, single-family residence may lie closer than five (5) feet to an adjacent property line.
- vi. One ell, finger pier, float, mooring pile or other extension of a dock parallel to the shoreline may be allowed provided such extension is not located closer than five (5) feet from a side lot line and does not interfere with navigation.
- vii. Boatlifts may be permitted as an accessory to residential dock provided that:
 - (1) All lifts are placed as far waterward as feasible and safe,
 - (2) Any platform lifts are fully grated, and
 - (3) The lifts and canopies comply with all other regulations and permit conditions of State

and Federal agencies.

I. Design Criteria for Joint Use Piers and Docks

- i. A joint use dock may be constructed for two (2) or more contiguous waterfront properties and may be located on a side property line or straddling a side property line, common to both properties or be provided with an access easement for all lots served.
- ii. Length
 - (1) Joint use docks and piers shall be limited to provide moorage for a single vessel and up to two personal watercraft (jet skis) for each lot served provided that may extend to 80 feet beyond the ordinary high-water mark or to a depth of eight (8) feet below the mean low water mark at the inland side of the vessel moorage, whichever is reached first.
 - (2) The maximum length of ells and fingers is 26 feet. The maximum length of a float is 20 feet.
 - (3) Additional length may be requested as an Administrative Shoreline Conditional Use in accordance with the criteria of RMC 4-9-197.I.5 and the additional criteria that the applicant demonstrate that additional length is needed to provide adequate depth for moorage of private pleasure craft for use of the owners commensurate in size with pleasure craft normally associated with other single-family development in the vicinity.
- iii. Width
 - (1) The maximum width of a pier walkway shall be six (6) feet.
 - (2) Maximum width of ells and floats shall be up to six (6) feet wide.
 - (3) Maximum width of any additional fingers is two (2) feet wide.
 - (4) The maximum width of a ramp connecting a pier to a float is 3 feet
 - (5) Provided that the widths above may be increased to provide for handicapped access.
- iv. All pier walkways must be fully grated and ells and floats must have a minimum 2-foot strip of grating down the center.
- v. Joint use docks and piers may be allowed one (1) vessel moorage consisting of an ell, finger pier, or float for each owner.
- vi. Pilings beyond the first set of piles shall be spaced no closer than 20 feet apart, unless specific substrate conditions provide otherwise, and may be no greater than 12-inches in diameter.
- vii. No portion of a pier, dock, float or mooring pile may lie closer than five (5) feet to an adjacent property line of an owner not party to the joint use dock and may not interfere with navigation.
- viii. Boat lifts may be permitted as an accessory to subject to the same specifications as for single-

family docks.

- ix. A joint use ownership agreement or covenant shall be executed with the appropriate signatures of the property owners in question and recorded with the King County Assessor's Office prior to issuance of permits. A copy of the recorded agreement shall be provided to the City. Such documents shall specify ownership rights and maintenance provisions, including:

- (1) Specify the lots or parcels to which the agreement shall apply ;
- (2) Provide that the dock shall be owned jointly by the participating parcels and that ownership shall run with the land;
- (3) Provide for easements to access the dock from each lot served and provide for access for maintenance;
- (4) Provide apportionment of construction and maintenance expenses; and

- (5) Provide a means for resolution of disputes, including arbitration, and provide for filing of liens for assessments.

m. Multi-Family Residence Docks

- i. Multi-Family Residential use is not considered a water-dependent use under the Shoreline Management Act. Docks and moorage for multi-family residential use may be provided only when the dock provides public benefit in the form of:

- (1) Shoreline ecological enhancement in the form of Vegetation Conservation buffers or other measures and/or
- (2) Public access;

Resident Moorage Only

- (1) Moorage at multi-family docks shall be limited to residents of the apartments, condominiums or similar developments for which the dock was built.

- (2) The size of the moorage shall be commensurate with the actual documented boat ownership of resident. The maximum ratio of moorage berths to residential units shall be one (1) berth for every two (2) dwelling units, provided that a smaller number may be specified and provided that use of mooring buoys for some or all moorage needs may be specified as a condition of approval with the use of all or part of the dock to allow tender access to mooring buoys.

- (3) Criteria for approval of multi-family moorage serving more than four vessels are provided in the policies and regulations for marinas.

n. Design Criteria for Recreational, Commercial, and Industrial Docks

- i. Commercial and industrial docks dimensions shall be the minimum required to serve the specified water-dependent uses and shall not exceed:

- (1) Length shall not exceed the depth needed to serve specific vessels or other water-dependent uses specified in the application. No dock may extend into the water further than one hundred twenty (120) feet except by Conditional Use Permit approval that demonstrates a need based on a specific water dependent use.
 - (2) In the case of a dock adjacent to a designated harbor area, docks and associated facilities may extend to the lesser of (a) the distance determined pursuant to the foregoing criteria, (b) the inner harbor line, or (c) such point beyond the inner harbor line as is allowed by the criteria above and the terms of a lease, license or other formal authorization approved by the Washington State Department of Natural Resources (DNR) or other agency with jurisdiction.
 - (3) The maximum width shall be the minimum required to serve the specified water-dependent use and shall not exceed eight (8) provided that a width of twelve (12) feet may be provided for docks requiring vehicular access, and provided that a greater width may be allowed to provide for public access in addition to the water-dependent use.
 - (4) All pier walkways must be fully grated and piers and floats must have a minimum 2-foot strip of grating down the center.
- ii. Docks shall be placed no closer than thirty (30) feet to a side property line.
 - iii. Public access shall be provided in accordance with 4-3-090.E.6.

o. Use of Buoys and Floats

- i. The use of buoys for moorage is preferable to piers, docks, or floats. Moorage buoys have, in most cases, much less of an impact on the aquatic environment as compared to piers and docks. This Master Program encourages the use of buoys by allowing them to be sited under a Shoreline Exemption instead of a Substantial Development Permit, provided they do not exceed the cost threshold. In addition, DNR provides for an expedited process for location on state aquatic lands. Moorage buoys shall be placed in accordance with DNR and Coast Guard regulations in order to minimize hazards to navigation.
- ii. Floats shall be allowed under the following conditions:
 - (1) The float is served by a dock attached to the shore for use of only a tender. The dock shall be the minimum length to allow access to a tender and may not exceed a length of 40 feet.
 - (2) Floats shall be anchored to allow clear passage on all sides by small watercraft.
 - (3) Floats shall not exceed a maximum of one hundred (100) square feet in size. A float proposed for joint use between adjacent property owners may not exceed one hundred and fifty (150) square feet per residence. Floats for public use shall be sized in order to provide for the specific intended use and shall be limited to the minimum size necessary.
 - (4) A single-family residence may only have one (1) float.
 - (5) Floats shall not be located a distance of more than eighty (80) feet beyond the ordinary high water mark, except public recreation floats.

p. Variance to Dock and Pier Dimensions

- i. Requests for greater dock and pier dimensions than those specified above may be submitted as a shoreline variance application.
- ii. Any greater dimension than those listed above may be allowed subject to findings that a variance request compiles with:
 - (1) The general criteria for variance approval.
 - (2) The additional criteria that the allowed dock or pier cannot reasonably provide the purpose for which it is intended without specific dimensions to serve specific aspects of a water-dependent use.

4-3-090. F.8 Recreation

- a. The Shoreline Management Act provides priority for development that will provide an opportunity for substantial numbers of people to enjoy the shorelines of the state and Shorelines of Statewide Significance for increasing public access to publicly owned areas of the shorelines and increasing recreational opportunities for the public on the shoreline. Shoreline recreational development shall be given priority for shoreline location to the extent that the use facilitates the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.
- b. Recreation activities are allowed when:
 - i. There is no net loss of ecological functions, including on- and off-site mitigation.
 - ii. Water-related and water-enjoyment uses do not displace water-dependent uses and are consistent with existing water-related and water-enjoyment uses.
 - iii. The level of human activity involved in passive or active recreation shall be appropriate to the ecological features and shoreline environment.
 - iv. State-owned shorelines shall be recognized as particularly adapted to providing wilderness beaches, ecological study areas, and other recreational uses for the public in accordance with RCW 90.58.100(4).
- c. Activities provided by recreational facilities must bear a substantial relationship to the shoreline, or provide physical or visual access to the shoreline.
 - i. Water-dependent recreation such as fishing, swimming, boating, and wading should be located on the shoreline.
 - ii. Water-related recreation as picnicking, hiking, and walking should be located near the shoreline.
 - iii. Non-water-related recreation facilities shall be located inland. Recreational facilities with large grass areas, such as golf courses and playing fields, and facilities with extensive

impervious surfaces shall observe vegetation management standards providing for native vegetation buffer areas along the shoreline.

- d. New over-water structures for recreation use shall be allowed only when:
 - i. They allow opportunities for substantial numbers of people to enjoy the shorelines of the state.
 - ii. They are not located in or adjacent to areas of exceptional ecological sensitivity, especially aquatic and wildlife habitat areas.
 - iii. They are integrated with other public access features, particularly when they provide limited opportunities to approach the water's edge in areas where public access is set back to protect sensitive ecological features at the water's edge.
 - iv. No net loss of ecological functions will result.
- e. Public recreation uses shall be permitted within the shoreline only when the following criteria are considered:
 - i. The natural character of the shoreline is preserved and the resources and ecology of the shoreline are protected.
 - ii. Accessibility to the water's edge is provided consistent with public safety needs and in consideration of natural features.
 - iii. Recreational development shall be of such variety as to satisfy the diversity of demands of the local community.
 - iv. Water-related and water-enjoyment uses do not displace water-dependent uses and uses are consistent with existing water-related and water-enjoyment uses.
 - v. Recreational development is located and designed to minimize detrimental impact on the adjoining property.
 - vi. The development provides parking and other necessary facilities to handle the designed public use.
 - vii. Effects on private property are consistent with all relevant constitutional and other legal limitations on regulation or acquisition of private property.
 - viii. Public parks and other public lands shall be managed in a manner that provides a balance between providing opportunities for recreation and restoration and enhancement of the shoreline. Major park development shall be approved only after a master planning process that provides for a balance of these elements.
- f. **Private Recreation**
 - i. Private recreation uses and facilities that exclude the public from public aquatic lands are prohibited. Private recreation uses that utilize public aquatic lands shall provide public access in accordance with criteria in 4-3-090.E.6..

- ii. Private recreational uses open to the public shall be permitted only when the following standards are met:

- (1) There is no net loss of ecological functions, including on- and off-site.
- (2) There is reasonable public access provided to the shoreline at no fee for sites providing recreational uses that are fee supported, including access along the water's edge where appropriate. In the case of Lake Washington, significant public access shall be provided in accordance with public access criteria in 4-3-090.E.6.
- (3) The proposed facility will have no significant detrimental effects on adjacent parcels and uses.
- (4) Adequate, screened, and landscaped parking facilities that are separated from pedestrian paths are provided.
- (5) Recreational uses are encouraged in mixed use commercial development.

4-3-090. F.9 Residential development

- a. Single-family residences are a priority on the shoreline under the Shoreline Management Act (RCW 90.58.020). All other residential uses are subject to the preference for water-dependent and water-oriented use and must provide for meeting the requirements for ecological productivity and public access.
- b. Residential developments shall be allowed only when:
 - i. Density and other characteristics of the development are consistent with the Renton Comprehensive Plan and Zoning Code.
 - ii. Residential structures shall provide setbacks as provided in Section 4-3-090.E.09 and shall provide buffers consistent with the vegetation conservation provisions of 4-3-090.G.1.
 - iii. Adequate public services and public utilities, including sanitary sewers, public water supply, fire protection, stormwater drainage, and police protection shall be provided at adequate levels to protect the public health, safety and welfare.
- c. New residential developments, including subdivision of land for more than four (4) parcels, shall provide public access in accordance with Section 4-3-090.E.09. Unless deemed inappropriate due to health, safety or environmental concerns, new multi-family, condominium, planned unit developments, and subdivisions except short plats, shall provide public access along the water's edge; in the case Subdivisions adjacent to public waterways shall dedicate access to a point that abuts the water and provide physical access to public waterways.
- d. New residential development shall not require new shoreline stabilization and lots shall not be subject to flooding or require structural flood hazard reduction measures within a channel migration zone or floodway to support intended development during the life of the development or use. Prior to approval, geotechnical analysis of the site and shoreline characteristics shall demonstrate that shoreline stabilization is unlikely to be necessary for each new lot to support intended development during the life of the development or use.

- e. New residential development shall include provisions for critical areas including avoidance, setbacks from steep slopes, bluffs, landslide hazard areas, seismic hazard areas, riparian and marine shoreline erosion areas, and shall meet all applicable development standards. Setbacks from hazards shall be sufficient to protect structures during the life of the structure (100 years).
- f. All new lots shall meet vegetation conservation provision in 4-3-090.G.1, including the full ~~required~~ 100-foot buffer area together with replanting and control of invasive species within buffers to ensure establishment and continuation of a vegetation community characteristic of a native climax community. Each lot must be able to support intended development without encroachment on vegetation conservation areas. Areas within vegetation conservation areas shall be placed in common or public ownership when feasible.
- g. All new subdivisions shall record a prohibition on new private docks on the face of the plat. An area reserved for shared moorage may be designated if it meets all requirements of this Program including demonstration that public and private marinas and other boating facilities are not sufficient to meet the moorage needs of the subdivision.
- h. Floating residences are prohibited.

4-3-090. F.10 Transportation

- a. New and expanded transportation facilities shall be, to the maximum extent feasible:
 - i. Located outside of the shoreline jurisdiction; and as far from the land/water interface. Expansion of existing transportation facilities shall include analysis of system options that assess the potential for alternative routes outside shoreline jurisdiction or set back further from the land/water interface.
 - ii. Located and designed to avoid significant natural, historical, archaeological, or cultural sites, and mitigate unavoidable impacts.
 - iii. Designed and maintained to prevent soil erosion, to permit natural movement of groundwater, and not adversely affect water quality or aquatic plants and animals over the life of the facility.
 - iv. Avoid the need for shoreline protection.
 - v. Provide for passage of flood waters, fish passage, and wildlife movement by providing bridges with the longest span feasible and when bridges are not feasible, providing culverts and other features that provide for these functions

b. Roads

- i. New public or private roads and driveways shall be located inland from the land/water interface, preferably out of the shoreline, unless:
 - (1) Perpendicular water crossings are required for access to authorized uses consistent with this Program; or
 - (2) Facilities are primarily oriented to pedestrian and non-motorized use and provide an opportunity for a substantial number of people to enjoy shoreline areas, and are consistent

with policies and regulations for ecological protection.

- ii. Roads and driveway facilities shall be located and designed to avoid significant natural, historic, archaeological or cultural sites to the maximum extent feasible, and mitigate unavoidable impacts.
- iii. Shoreline roadways should be scenic boulevards where possible. Existing arterials on the shoreline should incorporate substantial plantings of street trees or other landscaping and emphasize enjoyment of the shoreline rather than high-speed travel, to the extent feasible.
- iv. Transportation system route planning, acquisition, and design in the shoreline should provide space wherever possible for compatible multiple uses such as utility lines, pedestrian shore access or view points, or recreational trails.
- v. Transportation system plans and transportation projects within shorelines should provide safe trail space for non-motorized traffic such as pedestrians, bicyclists, or equestrians. Space for such uses should be required along roads on shorelines, where appropriate, and should be considered when rights of way are being vacated or abandoned.
- vi. Public roads should integrate public physical and visual access to shorelines, where safe, and should be replaced in situations where feasible if transportation facilities substantially impair lawful public access to publicly owned shorelines. Viewpoints, parking, trails and similar improvements should be considered for transportation system projects in shoreline areas. Bridge abutments should incorporate stairs or trails to reach streams where appropriate.
- vii. Road locations shall be planned to fit the topography, where possible, in order that minimum alteration of existing natural conditions will be necessary.
- viii. All debris and other waste materials from construction shall be disposed of in such a way as to prevent their entry by erosion into any water body and shall be specified in submittal materials.
- ix. RCW 36.87.130 prohibits vacation of any right of way that abuts a freshwater except for port, recreational, educational or industrial purposes. Therefore, development, abandonment, or alteration of undeveloped road ends within Shoreline Master Program jurisdiction is prohibited unless an alternate use is approved in accordance with this Program.

c. Railroads

- i. New or expanded railroads should be located inland from the land/water interface, preferably out of the shoreline where feasible. Expansion of the number of rails on an existing right of way shall be accompanied by meeting the vegetation conservation provisions for moderate expansion of non-conforming uses in RMC 4-10-095.
- ii. The rail line along the east shore of Lake Washington should be reserved for use as a public trail if rail use ceases. If rail use continues, joint trail and rail use should be explored.
- iii. Rail lines adjacent to the Green River should provide means for public access across the rail lines to access shorelines and public trails where this can be accomplished safely through bridges or undercrossings.

d. Trails

- i. Trails within the shoreline should be developed as an element of non-motorized circulation, of the City's park and open space plan and of the Shoreline Public Access program. Trails provide the potential for low impact public physical and visual access to the shoreline.
- ii. Trails should be developed as an element of a system that links together shoreline public access into an interconnected network including active and passive parks, schools, public and private open space, native vegetation easements with public access, utility rights of way, waterways, and other opportunities.
- iii. Public access to and along the water's edge should be linked with upland community facilities and the comprehensive trails system that provides non-motorized access throughout the City.
- iv. Trails that provide public access on or near the water should be located, designed, and maintained in a manner that protects the existing environment and shoreline ecological functions. Preservation or improvement of the natural amenities shall be a basic consideration in the design of shoreline trails.
- v. A system of trails on separate rights of way and public streets should be designed and implemented to provide linkages along shorelines including the Lake Washington Loop, the Cedar River, the Black/River Springbrook Creek, and the Green River.
- vi. The rail line along the east shore of Lake Washington should be reserved for use as a public trail if rail use ceases. If rail use continues, joint trail and rail use should be explored.
- vii. Trails should incorporate provisions to ensure public safety, including a high level of public use and observation from public and private property adjacent to trails.
- viii. The location and design of trails should be to create the minimum objectionable impact on adjacent property owners including privacy and noise. .
- ix. Over-water structures may be provided for trails in cases where:
 - (1) Key trail links must cross streams, wetlands, or other water bodies.
 - (2) For interpretive facilities.
 - (3) To protect sensitive riparian and wetland areas from the adverse impacts of at grade trails, including soil compaction, erosion potential and impedance of surface and groundwater movement.
- x. Trail width and surface materials shall be appropriate for the context with narrow soft surface trails in areas of high ecological sensitivity where the physical impacts of the trail and the number of users should be minimized with wider hard-surfaced trails with higher use located in less ecologically sensitive areas.

e. Parking

- i. Parking facilities in shorelines are not a preferred use and shall be allowed only as necessary to serve an authorized primary use.

ii. Public Parking

- (1) In order to encourage public use of the shoreline, public parking is to be provided at frequent locations on public streets, at shoreline viewpoints, and at trailheads.
- (2) Public parking facilities shall be located as far as feasible from the shoreline unless parking areas close to the water are essential to serve approved recreation and public access. In general, only handicapped parking should be located near the land/water interface with most other parking located within walking distance and outside of Vegetation Conservation buffers provided in 4-3-090.G.1.
- (3) Public parking facilities should be designed and landscaped to minimize adverse impact upon the shoreline and adjacent lands and upon the water view.

iii. Private Parking

- (4) Private parking facilities should be located away from the shoreline unless parking areas close to the water are essential to serve approved water-oriented uses and/or developments. When sited within shoreline jurisdiction, parking shall be located inland away from the land/water interface and landward of water-oriented developments and/or other approved uses.
- (5) Surface parking areas shall be located and designed to minimize visual impacts as viewed from the shoreline and from views of the shoreline from upland properties.
- (6) Parking structures shall be located outside of shoreline Vegetation Conservation buffers and behind the first row of buildings between the water and the developed portions of a site and designed such that the frontage visible from the shoreline accommodates other uses and parked cars are not visible. Parking structures shall minimize blockage of views of the shoreline from upland properties.
- (7) Parking lot design, landscaping and lighting shall be governed by the provisions of RMC Chapter 4-4 and the provisions of this Program.

f. Aviation

- i. Aviation facilities are prohibited within 200 feet of a Natural or Urban Conservancy Shoreline Overlay District

ii. Airports

- (1) A new airport shall not be allowed to locate within the shoreline; however, an airport already located within a shoreline shall be permitted.
- (2) Upgrades of facilities to meet FAA requirements or improvements in technology shall be permitted.
- (3) Facilities to serve seaplanes may be included as an accessory use in any existing airport.
- (4) Helipads may be included as an accessory use in any existing airport.

- (5) Aviation-related manufacturing shall be permitted in an airport.
- (6) New or upgraded airport facilities shall be designed and operated such that:
 - (a) All facilities that are non-water-dependent shall be located outside of shoreline jurisdiction, if feasible. When sited within shoreline jurisdiction, uses and/or developments such as parking, service buildings or areas, access roads, utilities, signs, and storage of materials shall be located as far from the land/water interface as feasible. The minimum setback, if permitted, shall be twenty (20) feet from the ordinary high water mark of the shoreline and shall be designed and spaced to allow viewing of airport activities from the area along the water's edge.
 - (b) New or upgraded airport facilities shall minimize impacts on shoreline ecological functions, including control of pollutant discharge. The standards for water quality and criteria for application shall be those in current stormwater control regulations.
 - (c) New facilities dispensing fuel or facilities associated with use of hazardous materials shall require a Shoreline Conditional Use Permit.

iii. Seaplanes

- (1) Private:
 - (a) Operation of a single private seaplane on waters where FAA has designated a Seaplane Landing Area is not regulated by this Program.
 - (b) Moorage of a seaplane is addressed in 4-3-090.F.7 of this Program.
- (2) Commercial: New commercial seaplane facilities, including docks and storage area bases may be allowed in industrial areas provided such bases are not contiguous to residential areas, and provided they meet standards in 4-3-090.F.7 of this Program.

iv. Helicopter Landing Facilities

- (1) Private: Establishment of a helipad on a single-family residential lot is allowed by Shoreline Conditional Use Permit, subject to the standards of RMC 4-2-080.A.11 adopted by this reference.
- (2) Commercial: New commercial heliports, including those accessory to allowed uses are allowed by Shoreline Conditional Use Permit, subject to the standards of this Program.

v. Seaplane Facilities and Heliports: Criteria for Approval

- (1) Review shall include consideration of location approval in terms of compatibility with affected uses including short and long-term noise impacts, impacts on habitat areas of endangered or threatened species, environmentally critical and sensitive habitats, and migration routes.
 - (a) On adjacent parcels
 - (b) On over flight areas

- (2) Conditions may be imposed to mitigate impacts within the shoreline and also non-shoreline overflight and related impacts.

4-3-090. F.11 Utilities

a. Criteria for all utilities

- i. Local utility services needed to serve water-dependent and other permitted uses in the shoreline subject to standards for ecological protection and visual compatibility.
- ii. Regional utility systems shall be located outside of shoreline jurisdiction, to the extent feasible, except for elements that are water dependent and crossings of water bodies and other elements of shorelands by linear facilities.
- iii. New public or private utilities shall be located inland from the land/water interface, preferably out of shoreline jurisdiction, unless:
 - (1) Perpendicular water crossings are unavoidable; or
 - (2) Utilities are required for authorized shoreline uses consistent with this Program.
- iv. Linear facilities consisting of pipelines, cables and other facilities on land running roughly parallel to the shoreline shall be located as far from the waters edge as feasible and preferably outside of shoreline jurisdiction.
- v. Linear facilities consisting of pipelines, sewers, cables and other facilities on aquatic lands running roughly parallel to the shoreline that may require periodic maintenance which would disrupt shoreline ecological functions shall be discouraged except where no other feasible alternative exists. When permitted, provisions shall assure that the facilities do not result in a net loss of shoreline ecological functions or significant impacts to other shoreline resources and values.
- vi. Utilities shall be located in existing rights of way and corridors, whenever possible.
- vii. Utilities serving new development shall be located underground, wherever possible.
- viii. Utility crossings of water bodies shall be attached to bridges or located in other existing facilities, if feasible. If new installations are required to cross water bodies or wetlands they should avoid disturbing banks and streambeds and shall be designed to avoid the need for shoreline stabilization. Crossings shall be tunneled or bored where feasible. Installations shall be deep enough to avoid failures or need for protection due to exposure due to stream bed mobilization, aggregation or lateral migration. Underwater utilities shall be placed in a sleeve if feasible to avoid the need for excavation in the event the need for maintenance or replacement.
- ix. Utility installations shall avoid altering natural groundwater flows by providing a barrier or conduit that changes natural flow characteristics.
- x. Excavated materials from construction shall be disposed of outside of Shoreline jurisdiction if feasible except if utilized for ecological restoration and shall be specified in submittal materials.

- xi. Utilities shall be located and designed to avoid natural, historic, archaeological or cultural resources to the maximum extent feasible and mitigate adverse impacts where unavoidable.
- xii. Utilities shall be located, designed, constructed, and operated to result in no net loss of shoreline ecological functions with appropriate on- and off-site mitigation including compensatory mitigation.
- xiii. All utility development shall be consistent with and coordinated with all local government and state planning, including comprehensive plans and single purpose plans to meet the needs of future populations in areas planned to accommodate growth.
- xiv. Site planning and rights of way for utility development should provide for compatible multiple uses such as shore access, trails, and recreation or other appropriate use whenever possible. Utility right of way acquisition should be coordinated with transportation and recreation planning.
- xv. Vegetation Conservation
 - (1) Native vegetation shall be maintained whenever possible.
 - (2) When utility projects are completed in the water or shoreland, the disturbed area shall be restored as nearly as possible to the original condition
 - (3) All vegetation and screening shall be hardy enough to withstand the travel of service trucks and similar traffic in areas where such activity occurs.
- xvi. A structure or other facility enclosing a, telephone exchange, sewage pumping or other facility, an electrical substation, or other above ground public utility is built in the shoreline area, the facility shall be:
 - (1) Housed in a building that shall conform architecturally with the surrounding buildings and area or with the type of building that will develop as provided by the zoning district and applicable design standards.
 - (2) An unhoused installation on the ground or a housed installation that does not conform with above, shall be sight-screened in accordance RMC4-4-095 with evergreen trees, shrubs, and landscaping materials planted in sufficient depth to form an effective and actual sight barrier within five (5) years.
 - (3) An unhoused installation of a potentially hazardous nature, such as an electrical distribution substation, shall be enclosed with an eight (8)-foot-high open wire fence, or masonry wall. Such installations shall be sight-screened in accordance RMC4-4-095 with evergreen trees, shrubs, and landscaping materials planted in sufficient depth to form an effective and actual sight barrier except at entrance gate(s), within five (5) years.

b. Special Considerations for Pipelines

- i. Installation and operation of pipelines shall protect the natural conditions of adjacent water courses and shorelines.
- ii. Water quality is not to be degraded to the detriment of marine life nor shall water quality

standards be violated.

- iii. Native soils shall be protected from erosion and natural conditions restored. Water course banks and bottoms shall be protected, where necessary, with suitable surface treatment.
- iv. Petro-chemical or toxic material pipelines shall have automatically controlled shutoff valves at each side of the water crossing.
- v. All petro-chemical or toxic material pipelines shall be constructed in accordance with the regulations of the Washington State Transportation Commission and subject to review by the City Public Works Department.

c. Major Utilities - Specifications

i. Electrical Installations

(1) Overhead High Voltage Power Lines

- (a) Overhead electrical transmission lines of 55 kV and greater voltage within the shoreline shall be relocated to a route outside of the shoreline, where feasible when:
 - Such facilities are upgraded to a higher voltage.
 - Additional lines are placed within the corridor.
- (b) Structure of overhead power lines shall be single-pole type with insulators and other facilities in as compact a configuration as feasible.

(2) Underwater electrical transmission lines shall be located and designed to:

- (a) Utilize existing transportation or utility corridors where feasible.
- (b) Avoid adverse impacts to navigation.
- (c) Be posted with warning signs.

(3) Electrical Distribution Substations: Electrical distribution substations shall be:

- (a) Located outside of the shoreline, where feasible, and may be located within a shoreland location only when the applicant proves no other site out of the shoreland area exists.
- (b) Located as far as feasible from the land-water interface.
- (c) Screened as required by 4-3-090. F.11.a.xvi.

- ii. Communications:** This section applies to telephone exchanges including radar transmission installations, receiving antennas for cable television and/or radio, cellular communication facilities and any other facility for the transmission of communication signals.

- (1) Communications installations may be permitted in the shoreline area only when there exists no feasible site out of the shoreline and water area.
 - (2) All structures shall meet the screening requirements of Section 4-3-090.F.11.a.xvi.
 - (3) If approved within the shoreline, such installations shall reduce aesthetic impacts by locations as far as possible from residential, recreational, and commercial activities.
 - (4) Cellular communication facilities may be located in the shoreline only when mounted on buildings and screened by architectural features compatible with the design of the building.
- iii. Pipeline Utilities:** All pipeline utilities shall be underground. When underground projects are completed on the bank of a water body or in the shoreland or a shoreline, the disturbed area shall be restored to the original configuration. Underground utility installations shall be permitted only when the finished installation shall not impair the appearance of such areas.
- iv. Public Access:** All utility companies shall be asked to provide pedestrian public access to utility owned shorelines when such areas are not potentially hazardous to the public. Where utility rights of way are located near recreational or public use areas, utility companies shall be encouraged to provide said rights of way as parking or other public use areas for the adjacent public use area. As a condition of location of new utilities within the shoreline, the City may require provision of pedestrian public access.
- v. All-inclusive Utility Corridor:** When it is necessary for more than one (1) major utility to go along the same general route, the common use of a single utility right of way is strongly encouraged. It would be desirable to include railroad lines within this right of way also.

d. Local Service Utilities, Specifications

- i. Electrical distribution:** New electrical distribution lines within the shoreline shall be placed underground, provided that distribution lines that cross water or other critical areas may be allowed to be placed above ground if:
- (1) There is no feasible alternative route.
 - (2) Underground installation would substantially disrupt ecological functions and processes of water bodies and wetlands; horizontal drilling or similar technology that does not disturb the surface is not feasible.
 - (3) Visual impacts are minimized to the extent feasible.
 - (4) If overhead facilities require that native trees and other vegetation cannot be maintained in a Vegetation Conservation buffer as provided in Section 4-3-090.G.1, compensatory mitigation shall be provided on or off-site.
- ii. Waterlines**
- (1) New water lines shall not cross water, wetlands or other critical areas unless there is no feasible alternative route.

- (2) Sizes and specifications shall be determined by the Public Works Department in accordance with American Water Works Association (AWWA) guidelines.

iii. Sanitary Sewer

- (1) The use of outhouses or privies is prohibited.
- (2) All uses shall hook to the municipal sewer system. There shall be no septic tanks or other on-site sewage disposal systems.
- (3) Sewage trunk lines, interceptors, pump stations, treatment plants, and other components that are not water-dependent shall be located away from shorelines unless:
 - (a) Alternative locations, including alternative technology, are demonstrated to be infeasible.
 - (b) The facilities do not result in a net loss of shoreline ecological functions.
 - (c) The facilities do not result in significant impacts to other shoreline resources and values such as parks and recreation facilities, public access and archaeological, historic, and cultural resources, and aesthetic resources.
- (4) Storm drainage and pollutant drainage shall not enter the sanitary sewer system.
- (5) During construction phases, commercial sanitary chemical toilets may be allowed only until proper plumbing facilities are completed.
- (6) All sanitary sewer pipe sizes and materials shall be approved by the Renton Public Works Department and METRO.

iv. Stormwater Management

- (1) The City will work with private property owners, and other jurisdictions to maintain, enhance and restore natural drainage systems to protect water quality, reduce flooding, reduce public costs and prevent associated environmental degradation to contribute to the goal of no net loss of shoreline ecological functions.
- (2) All new development shall meet current stormwater management requirements for detention and treatment.
- (3) Individual single-family residences may be subject to water quality management requirements to ensure the quality of adjacent water bodies.
- ~~(4) Stormwater ponds, basins and vaults shall be located as far from the water's edge as feasible and may not be located within vegetation conservation buffers.~~
- ~~(5)~~(4) The location design and construction of stormwater outfalls shall minimize impacts on receiving waters and comply with all appropriate local, state, and federal requirements. Infiltration of stormwater shall be preferred, where feasible.

v. Solid Waste Facilities

- (1) Facilities for processing, storage, and disposal of solid waste are not normally water-dependent. Components that are not water-dependent shall not be permitted on shorelines.
- (2) Disposal of solid waste on shorelines or in water bodies has the potential for severe adverse effects upon ecological functions, property values, public health, natural resources, and local aesthetic values and shall not be permitted.
- (3) Temporary storage of solid waste in suitable receptacles is permitted as an accessory use to a primary permitted use, or for litter control.

4-3-090. G. Shoreline Modification

4-3-090. G.1 Vegetation Conservation

- a. **Principles:** Native shoreline vegetation shall be conserved to maintain shoreline ecological functions and mitigate the direct, indirect and/or cumulative impacts of shoreline development, wherever feasible. Important functions of shoreline vegetation include, but are not limited to:
 - i. Providing shade necessary to maintain water temperatures required by salmonids, forage fish, and other aquatic biota.
 - ii. Regulating microclimate in riparian and nearshore areas.
 - iii. Providing organic inputs necessary for aquatic life, including providing food in the form of various insects and other benthic macro invertebrates.
 - iv. Stabilizing banks, minimizing erosion and sedimentation, and reducing the occurrence/severity of landslides.
 - v. Reducing fine sediment input into the aquatic environment by minimizing erosion, aiding infiltration, and retaining runoff.
 - vi. Improving water quality through filtration and vegetative uptake of nutrients and pollutants.
 - vii. Providing a source of large woody debris to moderate flows, create hydraulic roughness, form pools, and increase aquatic diversity for salmonids and other species.
 - viii. Providing habitat for wildlife, including connectivity for travel and migration corridors.
- b. Shoreline developments shall comply with the vegetation conservation policies of this Program through compliance with:
 - (1) Development adjacent to bodies of water under shoreline jurisdiction is regulated by the provisions of this Program.
 - (2) Development and use of critical areas within shoreline jurisdictions consisting of streams and lakes that do not meet the flow or size thresholds of shoreline jurisdiction but are within shorelands within the geographic extent of shoreline jurisdiction, including Class 2-5 water bodies, are subject to the standards of RMC 4-3-050 Critical Area Regulations, for protection and maintenance of critical area and buffer vegetation.

- c. **Standard Vegetation Conservation Buffer Width:** Except as otherwise specified in this SMP, ~~W~~water bodies defined as Shorelines shall have a minimum 100-foot vegetation management buffer measured from the ordinary high water mark of the regulated shoreline of the state. Where streams enter or exit pipes, the buffer shall be measured perpendicular to the ordinary high water mark from the end of the pipe along the open channel section of the stream.
- d. **Vegetation Conservation Buffer Widths by Reach:** The reviewing official may apply the following vegetation buffers provided for in Table 4-3-090.G.d as an alternative to the Standard Vegetation Conservation Buffer for sites for development that implement water-oriented use and public access as provided in the table for each reach.
- e. **Alternative Vegetated Buffer Widths and Setbacks for Existing Single-Family Lots**
 - i. The reviewing official may apply the following vegetation buffers and building setbacks for existing single-family residences and existing single-family lots consisting of property under contiguous ownership without a variance. Lot depth shall be measured from the ordinary high water mark in a perpendicular direction to the edge of the contiguously owned parcel or to an easement containing existing physical improvements for road access for two or more lots.

Lot Depth	Building Setback	Vegetated Buffer
150 feet or greater	70 feet	60 feet
130 to 150 feet	60 feet	50 feet
100 to 130 feet	35 feet	25 feet
Less than 100 feet	25 feet	15 feet

- ii. For such lots with a lot width of less than 60 feet, setbacks and buffers may be reduced by ten (10) percent, but no less than:
 - (1) Building setback: 25 feet
 - (2) Vegetated buffer: 15 feet
 - iii. For such lots with a lot depth of less than 100 feet that are served with primary access from a private road, the setback from the edge of the easement may be reduced to ten (10) feet without a variance.
- f. **Reduction of Vegetated Buffer or Setback Width**
 - i. Based upon an applicant's request, the Reviewing official may approve a reduction in the standard buffer widths/setbacks where the applicant can demonstrate compliance with criteria in the Subsections below. Buffer enhancement shall be required where appropriate to site conditions, habitat sensitivity, and proposed land development characteristics.
 - ii. Water-dependent Uses:
 - (1) Areas approved for water dependent use or public access may be excluded from vegetated buffer if the approval is granted through review of a Substantial Development

Permit, Conditional Use Permit, or Variance, provided that the area excluded is the minimum needed to provide for the water dependent use or public access.

- (2) Access to private docks through a vegetated buffer may be provided for a corridor up to six (6) feet wide.
- iii. Specific vegetated buffers specified for areas enumerated in Table 4-3-090.G.d may be applied in accordance with those provisions.
- iv. Based upon an applicant's request, and the acceptance of a Supplemental Stream or Lake Study, the reviewing official may approve a reduction in the standard buffer widths/setbacks by up to 20 percent, except where the buffer widths/setbacks are established by Subsection E, above, where the applicant can demonstrate compliance with criteria in the Subsections below and any mitigation requirements applied as conditions of approval.
 - (1) The abutting land is extensively vegetated with native species, including trees and shrubs, and has less than 5 percent non-native invasive species cover and has less than fifteen percent (15%) slopes; or
 - (2) The buffer can be enhanced with native vegetation and removal of non-native species and has less than fifteen percent (15%) slopes; and
 - (3) The width reduction will not reduce stream or lake ecological functions, including those of anadromous fish or non-fish habitat; and
 - (4) The width reduction will not degrade riparian habitat; and
 - (5) No direct or indirect, short-term or long-term, adverse impacts to regulated water bodies will result from a regulated activity. The Reviewing official's determination shall be based on specific site studies by recognized experts, pursuant to RMC 4-8-120 and RMC 4-9-197 E.4.
- v. Based upon an applicant's request, and the acceptance of a Supplemental Stream or Lake Study, the reviewing official may approve a reduction in the standard buffer in a case where an existing non-conforming site is not re-developed and the proposal includes removal of existing over-water structures or removal or reconstruction of shoreline protection structures or other restoration of shorelines or buffer areas in a manner that meets the standards of this Program, to a vegetated buffer a minimum 10 feet from existing buildings or impervious surface such as parking areas and driveways in current use to serve the non-conforming buildings or uses.
- g. **Increased Buffer Widths:** Vegetated buffers may be increased as required or allowed by the criteria below.
 - i. **Areas of High Blow-down Potential:** Where the stream/lake area is in an area of high blow-down potential as determined by a qualified professional, the buffer width may be expanded up to an additional fifty (50) feet on the windward side, when determined appropriate to site circumstances and ecological function by the Reviewing Official.
 - ii. **Buffers Falling Within Protected Slopes or Very High Landslide Areas:** When the required stream/lake buffer falls within a protected slope or very high landslide hazard area or buffer,

the stream/lake buffer width shall extend to the boundary of the protected slope or the very high landslide hazard buffer.

h. Averaging of Buffer Width

- i. Authority: Based upon an applicant's request, and the acceptance of a Supplemental Stream or Lake Study, the Reviewing official may approve buffer width averaging.
- ii. Criteria for Approval: Buffer width averaging may be allowed only where the applicant demonstrates all of the following:
 - (1) The water body and associated riparian area contains variations in ecological sensitivity or there are existing physical improvements in or near the water body and associated riparian area;
 - (2) Buffer width averaging will result in no-net loss of stream/lake/riparian ecological function;
 - (3) The total area contained within the buffer after averaging is no less than that contained within the required standard buffer width prior to averaging;
 - (4) In no instance shall the buffer width be reduced to less than 50 feet;
 - (5) The proposed buffer standard is based on consideration of the best available science as described in Washington Administrative Code (WAC) 365-195-905; or where there is an absence of valid scientific information; the steps in RMC 4-9-250F are followed.
- i. Buffer Enhancement as a separate action may be proposed on any property and may be implemented without full compliance with the standards of this Section, provided that the project includes a buffer enhancement plan using native vegetation and provides documentation that the enhanced buffer area will maintain or improve the functional attributes of the buffer. Any change to existing non-conforming facilities or use on a site shall meet the provisions for non-conforming sites.
- j. As determined by the Reviewing official, for development proposed on sites separated from the shoreline by pre-existing, intervening, and lawfully created public roads, railroads, other off-site substantial existing improvements, or an intervening parcel under separate ownership, the requirements of this code for a vegetation buffer may be waived. For the purposes of this section, the intervening lots/parcels, roads, or other substantial improvements shall be found to:
 - i. Separate the subject upland property from the water body due to their height or width; and
 - ii. Substantially prevent or impair delivery of most ecological functions from the subject upland property to the water body.
- k. **Vegetation Management:** Vegetation adjacent to water bodies in the Shoreline shall be managed to provide the maximum ecological functions feasible, in accordance with these standards.
 - i. Streams and lakes and with a buffer areas that are largely undisturbed native vegetation, shall be retained except where the buffer is to be enhanced or where alteration is allowed in conformance with this Section for a specific development proposal.

- ii. In the absence of a development proposal, existing, lawfully established landscaping and gardens within a Vegetation Management Buffer, may be maintained in its existing condition including but not limited to, mowing lawns, weeding, removal of noxious and invasive species, harvesting and replanting of garden crops, pruning and replacement planting of ornamental vegetation or indigenous native species to maintain the condition and appearance of such areas as they existed prior to adoption of this code, provided this does not apply to areas previously established as native growth protection areas, mitigation sites, or other areas protected via conservation easements or similar restrictive covenants.
- iii. Removal of noxious weeds and/or invasive species may be allowed without permit review in any vegetation buffer area provided that removal consists of physical uprooting or chemical treatment of individual plants or shallow excavation of no more than 1,000 square feet of dense infestations.
- iv. New development or redevelopment of non conforming uses shall develop and implement a vegetation management plan that complies with the standards of this code. Unless otherwise provided, a vegetation management plan shall preserve, enhance or establish native vegetation within the specified vegetation buffer. When required, vegetation management plans shall be prepared by a qualified professional, provided that the reviewing official may establish prescriptive standards for vegetation conservation and management as an alternative to requiring a specific plan for a development. Vegetation management plans shall describe actions that will be implemented to ensure that buffer areas provide ecological functions equivalent to a dense native vegetation community to the extent possible. Required vegetation shall be maintained over the life of the use and/or development by means of a conservation easement or similar recorded legal restriction.
- v. The reviewing official may approve, in cases of redevelopment or alteration of existing single family residential lots, a vegetation management plan that does not include large native trees, if such trees would block more than 30 percent of existing water views allowed from the existing residence on a lot. Native vegetation consisting of groundcover, shrubs and small trees shall be provided to provide as many of the vegetation functions feasible. This provision shall not apply to new lots created by subdivision or other means.

l. Documentation

- i. For application of provisions a Section 4-3-090.G.1 applicable to existing single family residences and lots determinations and evidence shall be included in the application file.
- ii. For all development requiring a Shoreline Substantial Development Permit, findings and determinations regarding the application of increased or reduced buffer width shall be included as specific findings in the permit.
- iii. For development not requiring a Shoreline Substantial Development Permit, approval of a reduced buffer width shall be require review as a shoreline variance by the Land Use Hearing Examiner per RMC 4-9-197. The setback provisions of the zoning district for the use must also be met unless a variance to the zoning code is achieved.
- m. The city shall provide a fund for off-site provision of areas for Vegetation Conservation and may asses charges to new development that do not fully meet the standard vegetation conservation requirement of 100 square feet of vegetated area per linear foot of shoreline. Credit shall be given for areas of vegetation buffer on the shoreline provided by development. Expenditures from such a

fund for provision of areas where the functions of shoreline vegetation conservation would be provided shall be in accordance with the Restoration Plan or other watershed and aquatic habitat conservation plans and shall be spent within the WRIA in which the assessed property is located.

Table 4-3-090.G.d. Vegetation Conservation Buffer Standards by Reach

SHORELINE REACH	Location	Vegetation Conservation Objectives
Lake Washington		
Lake Washington Reach A	From Bellevue city limits to Renton city limits	This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Lake Washington Reach B	From the city limits to the Seahawks training facility	This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Lake Washington Reach C	From the Seattle Seahawks headquarters and training facility through the former Barbee Mill site.	This area provides some riparian vegetation at the Seahawks facility, a large vacant parcel with complex wetlands and some of riparian vegetation in the center portion of the site and a restored beach area and narrow replanted vegetarian area on public aquatic land. A portion of the frontage to the south is bulkheaded single family lots. In the long term over 20 to 50 years, May Creek delta formation will lead to additional riparian area and shallow wetlands where riparian vegetation will provide multiple benefits to aquatic and terrestrial species. If areas redevelop, the full 100 foot buffer of native vegetation shall be provided, except where water dependent uses are located.
Lake Washington Reach D	From May Creek to Mountain View Avenue	This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to

Lake Washington Reach E	from Mountain View Avenue to Gene Coulon Park	limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Lake Washington Reach F	The less developed northerly portion of Gene Coulon Park	This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Lake Washington Reach G	The more developed southerly portion of Gene Coulon Park	Enhancement of native riparian vegetation shall be implemented as part of park management, balanced with opportunities to provide public visual and physical access to the shoreline. The city may fund shoreline enhancement through fees paid for off-site mitigation from development elsewhere on Lake Washington.
Lake Washington Reach H	Southport mixed-use development	Enhancement of native riparian vegetation shall be implemented as part of park management, while recognizing that in this portion of the park is oriented primarily to opportunities to provide public visual and physical access to the shoreline including over water structures, supporting concessions, boat launch and public beach facilities.
Lake Washington Reach I	Boeing Plant and to the Cedar River	Buffers for vegetation management are not required in this reach which is designated primarily for public access along the waterfront and supporting water oriented uses.
		The area of vegetation on public aquatic lands should be enhanced in the short term. Upon redevelopment, vegetation buffers shall be extended into the site adjacent to vegetated areas along the shoreline. Vegetation restoration shall be balanced with public access and water oriented use on the balance of the site.

Lake Washington Reach J	Renton Municipal Airport	Enhanced riparian vegetation shall be provided in a manner consistent with maintaining aviation safety as part of airport management.
Lake Washington Reach K	From the Renton Municipal Airport to the Seattle city limits	Redevelopment of multi-family sites shall provide vegetation buffers at the full standard, with possible employment of provisions for averaging or reduction. Single-family development in this reach provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts shall be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
May Creek		
May Creek A	From the mouth of the creek to Lake Washington Blvd.	Vegetation in this corridor was enhanced as part of a recent subdivision. If the property is redeveloped in the future, full vegetated buffers shall be provided.
May Creek B	From Lake Washington Blvd to I-405	Full standard native vegetation buffers shall be provided with development of this property.
May Creek C	From I-405 to NE 36th Street	Full standard native vegetation buffers shall be provided on this reach with existing private lots subject to buffer standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
May Creek D	From NE 36 th Street to the city limits	Full standard native vegetation buffers shall be provided on this reach with existing private lots subject to buffer standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Cedar River		
Cedar River A	Mouth to Logan Avenue	Enhancement of native riparian vegetation shall be implemented as part of park management, balanced with needs of flood control

		levees and opportunities to provide public visual and physical access to the shoreline.
Cedar River B	Logan Avenue to I-405 bridges	Enhancement of native riparian vegetation shall be implemented as part of flood control management programs that may be integrated with opportunities to provide public visual and physical access to the shoreline. Vegetation management and public access should be addressed in a comprehensive management plan prior to issuance of shoreline permits for additional flood management activities. This developed single-family area shall implement vegetation management based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation as provided for alternation of non-conforming uses, structures, and sites.
Cedar River C	I-405 to the SR 169	Enhancement of native riparian vegetation shall be implemented as part of management of public parks. Full standard native vegetation buffers should be maintained on the public open space on the south side of the river, subject to existing trail corridors and other provisions for public access. Full standard buffers shall be provided upon redevelopment of the north shore, subject to public access set back from the water's edge and may provide for limited water oriented use adjacent to the water's edge. The vegetation conservation buffer may be designed to incorporate floodplain management features including floodplain compensatory storage.
Cedar River D	SR 169 to UGA boundary	Full standard native vegetation buffers shall be provided on this reach with existing private lots subject to buffer standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation.
Green River Reach A	The Green/Black River below the pump station	Full standard native vegetation buffers shall be provided with redevelopment of this property in this reach, balanced with provisions for public access. Vegetation conservation within railroad rights of way shall not be required within areas necessary for railway operation. Vegetation preservation and enhancement should be encouraged in areas of railroad right of way not devoted to transportation uses. Expansion of railroad facilities may require

		specific vegetation preservation and enhancement programs, consistent with the standards of this program.
Black River / Springbrook Creek		
Black/Springbrook A	From the pump station to Grady Way	Public open space that exceeds buffer standards should be maintained and native vegetation enhanced. Full standard buffers should be provided upon redevelopment of adjacent land, recognizing the constraints of existing transportation and public facilities.
Springbrook B	From Grady Way to SW 16th Street	Full standard buffers should be provided upon redevelopment of adjacent land, recognizing the constraints of existing transportation and public facilities.
Springbrook C	From SW 16th Street to SW 19th Street	Vegetation enhancement should be implemented within the drainage district channels in conjunction with management plans including adjustments to channel dimensions to assure continued flood capacity with the additional hydraulic roughness provided by vegetation. Full standard vegetated buffers should be provided upon redevelopment of adjacent land presuming re-vegetation of the stream channel. Vegetation management should retain a continuous trail system that may be relocated further from the stream edge.
Springbrook D	From SW 19th Street to City Limits	Same as Reach C.
Lake Desire		An extensive public pedestrian trail system is provided in the vicinity of Lake Desire in the Spring Lake/Lake Desire Park and connected McGarvey Park Open Space, Petrovsky Park and Lake Youngs Park. There are, however, no trails adjacent to Lake

		Desire.
Lake Desire A	17408 West Lake Desire Dr. SE to 18228 West Lake Desire Dr. SE	This developed primarily single-family area provides primarily lawn and ornamental vegetation at the shoreline. Opportunities to limit ongoing adverse impacts should be implemented through providing for native vegetation in buffers adjacent to the water based on the standards related to lot depth together with replacement of shoreline armoring with soft shoreline protection incorporating vegetation. Shoreline vegetation enhancement should take place at the WDFW boat launching site balancing values of riparian vegetation with public access.
Lake Desire B	18228 West Lake Desire Dr. SE to the Natural Area at the south end of the Lake	Same as Reach A.
Lake Desire C	Natural Area at the south end of the Lake	Existing shoreline vegetation in this publicly owned natural area should be preserved with some accommodation for interpretive access to the water s as part of park management plans, subject to the primary objective of protecting ecological functions.
Lake Desire D	From the Natural Area to 17346 West Lake Desire Dr. SE	Same as reach A for developed single family lots. Full native vegetation buffers should be preserved in undeveloped sites adjacent to the lake and adjacent to wetlands.

4-3-090. G.2 Landfill and Excavation

- a. **Minimum necessary:** Landfill and excavation should only be permitted to the minimum extent necessary to accommodate an approved shoreline use or development and with assurance of no net loss of shoreline ecological functions. Excavation below the ordinary high water mark is considered “dredging” and is addressed in a separate section.
- b. Landfills shall generally be prohibited below the ordinary high water mark, except for the following activities, and in conjunction with documentation of no net loss of ecological functions as documented in appropriate technical studies:
 - i. Beach or aquatic substrate replenishment in conjunction with an approved ecological restoration activity;
 - ii. Replenishing sand on public and private community beaches;
 - iii. Alteration, maintenance and/or repair of existing transportation facilities and utilities currently located within shoreline jurisdiction, when alternatives or less impacting approaches are not feasible;
 - iv. Construction of facilities for public water-dependent uses or public access; when alternatives or less impacting approaches are not feasible and provided that filling and/or excavation are limited to the minimum needed to accommodate the facility;
 - v. Incidental to the construction or repair of approved shoreline protection facilities;
 - vi. For approved flood control purposes;
 - vii. In conjunction with a stream restoration program including vegetation restoration;
 - viii. As part of a remedial action plan approved by the Department of Ecology pursuant to the Model Toxics Control Act, or otherwise authorized by the Department of Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction, after review of the proposed fill for compliance with the policies and standards of this Program; and
 - ix. Fill and excavation is allowed only in conjunction with an approved development.
- c. All landfills shall be evaluated in terms of:
 - i. The overall value to the public of the results of the fill site as opposed to the value of the shoreline in its existing state as well as evaluation of alternatives to fill that would achieve some or all of the objectives of the proposal.
 - ii. Effects on ecological functions including, but not limited to functions of the, substrate of streams and lakes and affects on aquatic organisms, including the food chain, effects on vegetation functions, effects on local currents and erosion and deposition patters, effects surface and subsurface drainage, and effects on flood waters.
 - iii. Whether shore stabilization will be necessary to protect materials placed or removed and whether such stabilization meets the policies and standards of this Program.

- iv. Whether the landfill will alter the normal flow of floodwater, including obstructions of flood overflow channels or swales.
 - v. Whether public or tribal rights to the use and enjoyment of the shoreline and its resources and amenities is impaired
- d. Upland fill may be allowed where modification of topographic features and native vegetation is minimized and it does not result in structures higher than would otherwise be allowed.
- e. Performance standards for fill and excavation include:
- i. The area disturbed and the amount of fill shall be minimized to maximum extent feasible.
 - ii. Disturbed areas shall be immediately stabilized and revegetated, to avoid or minimize erosion and sedimentation impacts, both during initial work and over time. Natural and self-sustaining control methods are preferred over structures.
 - iii. Landfills and excavation shall be designed to blend physically and visually with existing topography.
 - iv. All fill and excavation below the OHWM not associated with ecological restoration, flood control or approved shoreline stabilization shall require a Shoreline Conditional Use Permit.

4-3-090. G.3 Dredging

- a. Removal of substrate from below the OHWM on streams and lakes can have substantial adverse impacts on geologic and hydraulic mechanisms important to the function of the water body, can disrupt elements of the food chain, and may result in sedimentation and water quality impacts. Dredging and dredge material disposal, when permitted, shall be done in a manner which avoids or minimizes significant ecological impacts and impacts which cannot be avoided should be mitigated in a manner that assures no net loss of shoreline ecological functions. Dredging should be prohibited in sensitive nearshore areas except where public benefits outweigh potential impacts and it is demonstrated that no net loss of ecological functions will occur.
- b. Dredging is permitted only in cases where the proposal, including any necessary mitigation, will result in no net loss of shoreline ecological functions and is limited to the following:
 - i. Establishing, expanding, relocating or reconfiguring navigation channels where necessary to assure safe and efficient accommodation of existing navigational uses. Maintenance dredging of established navigation channels and basins shall be restricted to maintaining previously dredged and/or existing authorized location, depth, and width.
 - ii. For flood control purposes, when part of a publicly adopted flood control plan.
 - iii. For restoration or enhancement of shoreline ecological functions benefiting water quality and/or fish and wildlife habitat and approved by applicable local, state and federal agencies.
 - iv. For development of approved water-dependent uses provided there are no feasible alternatives.
 - v. Dredging may be permitted where necessary for the development and maintenance of public

shoreline parks and of private shorelines to which the public is provided access. Dredging may be permitted where additional public access is provided.

vi. Maintenance dredging of existing legally established boat moorage slips including public and commercial moorage and moorage accessory to single family residences, provided that deepening beyond the conditions present when the moorage was established is prohibited and in the absence of evidence of such conditions, dredging may not be permitted to provide a draft for private boats in excess of three (3) feet. Dredging may be disallowed to maintain depths of existing private moorage where it may adversely affect ecological functions and where alternatives such as utilization of shallow draft access to mooring buoys is feasible.

vii. Minor trenching to allow the installation of necessary underground pipes or cables if no alternative, including boring, is feasible, and:

(1) Impacts to fish and wildlife habitat are avoided to the maximum extent possible.

(2) The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

(3) Appropriate best management practices are employed to prevent water quality impacts or other environmental degradation.

viii. Dredging is performed pursuant to a remedial action plan approved under authority of the Model Toxics Control Act, or pursuant to other authorization by the Department of Ecology, U.S. Army Corps of Engineers, or other agency with jurisdiction, after review of the proposed fill for compliance with the policies and standards of this Program.

ix. Dredging is necessary to correct problems of material distribution and water quality, when such problems are adversely affecting aquatic life or recreational areas.

c. Dredging shall be restricted in the following cases:

i. Dredging shall not be performed within the deltas of the Cedar River and May Creek except for purposes of ecological restoration, for public flood control projects, or for water dependent public facilities.

ii. Dredging is prohibited solely for the purpose of obtaining fill or construction material, which dredging is not directly related to those purposes permitted in Subparagraph .02.A above, is prohibited.

iii. Dredging for new moorage is prohibited.

iv. Dredging may not be performed to maintain facilities established for water dependent uses in cases where the primary use is discontinued unless the facility meets all standards for a new water dependent use.

d. Review Criteria

i. New development should be sited and designed to avoid or, if that is not possible, to minimize the need for new and maintenance dredging.

- ii. All proposed dredging operations shall be designed by an appropriate State licensed professional engineer. A stamped engineering report and an assessment of potential impacts on ecological functions shall be prepared by qualified consultants shall be submitted to the Renton Development Services Division as part of the application for a shoreline permit.
- iii. The responsibility rests solely with the applicant to demonstrate the necessity of the proposed dredging operation.
- iv. The responsibility rests solely with the applicant to demonstrate that
 - (1) There will be no net loss of ecological functions including but not limited to adverse effect on aquatic species including fish migration.
 - (2) There will be no adverse impact on recreational areas or public recreation enjoyment of the water.
- v. Adjacent bank protection:
 - (1) When dredging bottom material of a body of water, the banks shall not be disturbed unless absolutely necessary. The responsibility rests with the applicant to propose and carry out practices to protect the banks.
 - (2) If it is absolutely necessary to disturb the adjacent banks for access to the dredging area, the responsibility rests with the applicant to propose and carry out a method of restoration of the disturbed area to a condition minimizing erosion and siltation.
- vi. The responsibility rests with the applicant to demonstrate the proposed dredging will avoid conditions that may adversely affect adjacent properties including:
 - (1) Create a nuisance to the public or nearby activity.
 - (2) Damage property in or near the area.
 - (3) Cause substantial adverse effect to plant, animal, aquatic or human life in or near the area.
 - (4) Endanger public safety in or near the area.
- vii. The applicant shall demonstrate control contamination and pollution to water, air, and ground through specific operation and mitigation plans.
- viii. The applicant shall demonstrate that the disposal of dredged material will not result in net loss of ecological functions or adverse impacts to properties adjacent to the disposal site.
 - (1) The applicant shall provide plans for the location and method of disposing of all dredged material.
 - (2) Dredged material shall not be deposited in a lake, stream, or marine water except if approved as part of ecological restoration, a contamination remediation project approved by appropriate State and/or Federal agencies, or is approved in accordance with the Puget Sound Dredged Disposal Analysis evaluation procedures for managing in-water-disposal

of dredged material by applicable agencies, which may include the U.S. Army Corps of Engineers pursuant to Section 10 (Rivers and Harbors Act) and Section 404 (Clean Water Act) permits, and Washington State Department of Fish and Wildlife Hydraulic Project Approval.

- (3) In no instance shall dredged material be stockpiled in a shoreland area that would result in the clearing of native vegetation. Temporary stockpiling of dredged material is limited to 180 days.
 - (4) If the dredged material is contaminant or pollutant in nature, the applicant shall propose and carry out a method of disposal that complies with all regulatory requirements.
 - (5) Permanent land disposal shall demonstrate that:
 - (a) Shoreline ecological functions will be preserved, including protection of surface and ground water.
 - (b) Erosion, sedimentation, floodwaters or runoff will not increase adverse impacts to shoreline ecological functions or property.
 - (c) Sites will be adequately screened from view of local residents or passersby on public right-of-ways.
- e. Dredging not associated with maintenance of existing facilities, ecological restoration or enhancement; a remedial action plan approved under authority of the Model Toxics Control Act, water dependent uses or public recreation facilities or uses shall require a Shoreline Conditional Use.

4-3-090. G.4 Shoreline Stabilization

- a. **Principles:** Natural shorelines are dynamic with interdependent geologic and biological relationships. Erosion and accretion are natural processes that provide ecological functions and thereby contribute to sustaining the natural resource and ecology of the shoreline. Alteration of this dynamic system has substantial adverse impacts on geologic and hydraulic mechanisms important to the function of the water body and can disrupt elements of the food chain. Human use of the shoreline has typically led to hardening of the shoreline for various reasons including reduction of erosion or providing useful space at the shore or providing access to docks and piers. The impacts of hardening any one property may be minimal but cumulatively the impact of this shoreline modification is significant. Shoreline stabilization should emulate allow natural shoreline functions to the extent feasible and where needed utilize bioengineering or other methods with the least impact on ecological functions.
- b. The need for future shoreline stabilization shall be avoided in new development to the extent feasible. New development should be located and designed to avoid the need for future shoreline stabilization. Subdivision of land must be regulated to assure that the lots created will not require shoreline stabilization in order for reasonable development to occur using geotechnical analysis of the site and shoreline characteristics. New development on steep slopes or bluffs shall be set back sufficiently to ensure that shoreline stabilization is unlikely to be necessary during the life of the structure, as demonstrated by a geotechnical analysis. The need for shore stabilization shall be considered in the determination of whether to approve new water-dependent uses. New development that would require shoreline stabilization which causes significant impacts to adjacent

or down-current properties and shoreline areas should not be allowed.

- c. Structural shoreline stabilization measures should be used only when more natural, flexible, non-structural methods such as vegetative stabilization, beach nourishment and bioengineering have been determined infeasible. Alternatives for shoreline stabilization should be based on the following hierarchy of preference:
 - i. No action (allow the shoreline to retreat naturally), increase building setbacks, and relocate structures.
 - ii. Flexible defense works constructed of natural materials including soft shore protection, bioengineering, including beach nourishment, protective berms, or vegetative stabilization.
 - iii. Rigid works constructed of artificial materials such as riprap or concrete.
- d. Shoreline stabilization measures shall be designed by a qualified professional. Certification by the design professional may be required to ensure that installation meets all design parameters.
- e. New structural stabilization measures shall not be allowed except when necessity is demonstrated in the following manner:
 - i. To protect existing primary structures:
 - (a) New or enlarged structural shoreline stabilization measures for an existing primary structure, including residences, should not be allowed unless there is conclusive evidence, documented by a geotechnical analysis, that the structure is in danger from shoreline erosion caused by currents, or waves. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not demonstration of need. The geotechnical analysis should evaluate on-site drainage issues and address drainage problems away from the shoreline edge before considering structural shoreline stabilization.
 - (b) The erosion control structure meets the criteria in Subsection c above.
 - (c) The erosion control structure will not result in a net loss of shoreline ecological functions.
 - ii. In support of new non-water-dependent development, and single-family residences, when all of the conditions below apply and are documented by a geotechnical analysis:
 - (a) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - (b) Nonstructural measures, such as placing the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - (c) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report. The damage must be caused by natural processes, such as currents, and waves.

- (d) The erosion control structure meets the criteria in Subsection c, above.
 - (e) The erosion control structure will not result in a net loss of shoreline ecological functions.
- iii. In support of water-dependent development when all of the conditions below apply and are documented by a geotechnical analysis:
 - (a) The erosion is not being caused by upland conditions, such as the loss of vegetation and drainage.
 - (b) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - (c) The need to protect primary structures from damage due to erosion is demonstrated through a geotechnical report.
 - (d) The erosion control structure meets the criteria in Subsection B, above.
 - (e) The erosion control structure will not result in a net loss of shoreline ecological functions.
- iv. To protect projects for the restoration of ecological functions or hazardous substance remediation projects pursuant to chapter 70.105D RCW when all of the conditions below apply and are documented by a geotechnical analysis:
 - (a) Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.
 - (b) The erosion control structure will not result in a net loss of shoreline ecological functions.
 - (c) The erosion control structure meets the criteria in Subsection c, above.
- f. An existing shoreline stabilization structure may be replaced with a similar structure if there is a demonstrated need documented by a geotechnical analysis to protect principal uses or structures from erosion caused by currents or waves and a structure meeting the standards of Subsection c, above will not perform adequately. For purpose of this section, "replacement" means the construction of a new structure to perform a shoreline stabilization function of an existing legally established structure which can no longer adequately serve its purpose. A structure established to serve a use that has been discontinued or substantially altered or enlarged may not be replaced or substantially altered except by a structure that meets standards for a new structure. Additions to or increases in size of existing shoreline stabilization measures shall be considered new structures.
 - i. The erosion control structure meets the criteria in Subsection c, above.
 - ii. The replacement structure should be designed, located, sized, and constructed to assure no net loss of ecological functions.
 - iii. Replacement walls or bulkheads, if allowed, shall not encroach waterward of the ordinary high-water mark or existing structure unless the residence was occupied prior to January 1,

1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

- iv. Where a net loss of ecological functions associated with critical habitats would occur by leaving the existing structure, it shall be removed part of the replacement measure.
- v. Soft shoreline stabilization measures that provide restoration of shoreline ecological functions may be permitted waterward of the ordinary high-water mark. Replenishment of substrate materials to maintain the specifications of the permitted design may be allowed as maintenance.
- g. Geotechnical analysis pursuant to this section that address the need to prevent potential damage to a primary structure shall address the necessity for shoreline stabilization by estimating time frames and rates of erosion and report on the urgency associated with the specific situation. As a general matter, hard armoring solutions should not be authorized except when an analysis confirms that there is a significant possibility that such a structure will be damaged within three years as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate, would foreclose the opportunity to use measures that avoid impacts on ecological functions. Thus, where the geotechnical analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, that report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- h. When any structural shoreline stabilization measures are demonstrated to be necessary, pursuant to above provisions design shall:
 - i. Limit the size of stabilization measures to the minimum necessary. Use measures designed to assure no net loss of shoreline ecological functions. Soft approaches shall be used unless demonstrated not to be sufficient to protect primary structures, dwellings, and businesses.
 - ii. Ensure that publicly financed or subsidized shoreline erosion control measures do not restrict appropriate public access to the shoreline except where such access is determined to be infeasible because of incompatible uses, safety, security, or harm to ecological functions. See public access provisions; WAC 173-26-221(4). Where feasible, incorporate ecological restoration and public access improvements into the project.
- i. Shoreline stabilization should not be permitted to unnecessarily interfere with public access to public shorelines, nor with other appropriate shoreline uses including, but not limited to, navigation, public or private recreation and Indian treaty rights.
- j. Where possible, shoreline stabilization measures shall be designed so as not to detract from the aesthetic qualities of the shoreline.
- k. Provisions for multiple use, restoration, and/or public shore access should be incorporated into the location, design and maintenance of shore stabilization for public or quasi-public developments whenever safely compatible with the primary purpose. Shore stabilization on publicly owned shorelines should not be allowed to decrease long term public use of the shoreline.
- l. Shore stabilization should be developed in a coordinated manner among affected property owners and public agencies for a whole drift sector (net shore-drift cell) or reach where feasible, particularly those that cross jurisdictional boundaries, to address ecological and geo-hydraulic processes, sediment conveyance and beach management issues. Where beach erosion threatens

existing development, a comprehensive program for shoreline management should be established.

- m. In addition to conformance with the regulations in this section, non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged for shore stabilization. Non-regulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, or other incentive programs.
- n. Shoreline stabilization on streams should assure that such structures do not unduly interfere with natural stream processes. The reviewing official shall review the proposed design for consistency with state guidelines for stream bank protection as it relates to local physical conditions and meet all criteria of this Program, subject to the following:
 - i. A geotechnical analysis of stream geomorphology both upstream and downstream shall be performed to assess the physical character and hydraulic energy potential of the specific stream reach and adjacent reaches upstream or down, and assure that the physical integrity of the stream corridor is maintained, that stream processes are not adversely affected, and that the revetment will not cause significant damage to other properties or valuable shoreline resources.
 - ii. Revetments or similar hard structures are prohibited on point and channel bars, and in salmon and trout spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration.
 - iii. Revetments or similar hard structures shall be placed landward of associated wetlands unless it can be demonstrated that placement waterward of such features would not adversely affect ecological functions.
 - iv. Revetments or similar structures shall not be developed on the inside bend channel banks in a stream except to protect public works, railways and existing structures.
 - v. Where revetments or similar structures are proposed, analysis shall assure that localized shore stabilization will be effective, as compared to more extensive cooperative measures to address reach scale processes. Revetments shall be setback at convex (inside) bends to allow streams to maintain point bars and associated aquatic habitat through normal accretion. Where revetments or similar structures have already cut off point bars from the stream, consideration should be given to their relocation.
 - vi. Revetments shall be designed in accordance with WDFW streambank protection guidelines.
 - vii. Groins, weirs and other in-water structures may be authorized only by Shoreline Conditional Use Permit, except for those structures installed to protect or restore ecological functions, such as woody debris installed in streams. A geotechnical analysis of stream geomorphology both upstream and downstream shall document that alternatives to in-water structures are not feasible. Documentation shall establish impacts on ecological functions that must be mitigated to achieve no net loss.

4-3-090. G.5 Flood Control

- a. The lower reaches of Cedar River and the upper portion of Springbrook Creek were altered in the early part of the 20th century for flood control. Maintaining flood control structures is important to

much of the developed portion of the community. Adverse ecological consequences of flood control works should be recognized, and means to minimize impacts or to restore ecological functions shall be incorporated in flood control strategies.

- b. Flood control works shall be permitted when it is demonstrated by engineering and scientific evaluations that:
 - i. They are necessary to protect health/safety and/or existing development;
 - ii. Non-structural flood hazard reduction measures are infeasible; and
 - iii. Measures are consistent with an adopted comprehensive flood hazard management plan that evaluates cumulative impacts to the watershed system.
- c. New or expanding development or uses in the shoreline, including subdivision of land, that would likely require new structural flood control works within a stream, channel migration zone, or floodway should not be allowed.
- d. New or expanded flood control works and instream structures should be planned and designed to be compatible with appropriate multiple uses of stream resources over the long term, especially in shorelines of statewide significance.
- e. New flood control works should only be allowed in the shoreline if they are necessary to protect existing development and where non-structural flood hazard reduction measures are infeasible.
- f. Flood control works should incorporate native vegetation to the extent feasible to enhance ecological functions, create a more natural appearance, improve ecological functions, and provide more flexibility for long term shoreline management.
- g. To minimize flood damages and to maintain natural resources associated with streams, overflow corridors and other alternatives to traditional bank levees, revetments and/or dams should be considered. Setback levees and similar measures should be employed where they will result in lower flood peaks and velocities, and more effective conservation of resources than with high bank levees.
- h. Non-structural and non-regulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged as an alternative to structural flood control works. Non-regulatory and non-structural methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.
- i. Flood control works shall provide access to public shorelines whenever possible, unless it is demonstrated that public access would cause unavoidable public health and safety hazards, security problems, unmitigatable ecological impacts, unavoidable conflicts with proposed uses, or unreasonable cost. At a minimum, flood control works should not decrease public access or use potential of shorelines.

4-3-090. G.6 Stream Alternation

- a. Stream alteration is the relocation or change in the flow of a river, stream or creek. Streams are complex and dynamic natural system with many interacting processes. Stream alteration shall be

minimized, and when allowed should change natural stream processes as little as possible.

- b. Unless otherwise prohibited by Subsections 4-3-090.F.10 Transportation and 4-3-090.F.10 Utilities, stream alteration may be allowed for transportation and utility crossings and in-stream structures only where there is no feasible alternative.
- c. Stream alteration may be permitted if it is part of a public flood hazard reduction program or a habitat enhancement project approved by appropriate State and/or Federal agencies.
- d. Stream alteration solely for the purpose of enlarging the developable portion of a parcel of land or increasing the economic potential of a parcel of land is prohibited.
- e. Stream alteration is prohibited if it would be significantly detrimental to adjacent parcels.
- f. The applicant has the sole responsibility to demonstrate the necessity of the proposal and compliance with the criteria of this program.
- g. All proposed stream alterations shall be designed by an appropriately state-licensed professional engineer. The design shall be submitted to the Development Services Division as part of the application.
- h. The design timing and the methods employed will have minimal adverse effects on aquatic life including minimizing erosion, sedimentation and other pollution during and after construction.
- i. The project must be designed so that the low flow is maintained and fish escapement is provided for.

SECTION IV. Renton Municipal Code Chapter 3 ENVIRONMENTAL REGULATIONS AND OVERLAY DISTRICTS Section RMC 4-3-197 Shoreline Permits is hereby amended to read as follows:

4-9-197 SHORELINE PERMITS

4-9-197. A. Purpose (Reserved)

4-9-197. B. Shoreline Development Approval

4-9-197. B.1. Development Compliance: All uses and developments within the jurisdiction of the Shoreline Management Act shall be planned and carried out in a manner that is consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required. The reviewing official shall assure compliance with the provisions of this Program for all permits and approvals processed by the city.

4-9-197. B.2. Shoreline Overlay: Shoreline regulations shall apply as an overlay and in addition to Development Regulations, including but not limited to zoning, environmental regulations, development standards, subdivision regulations, and other regulations established by the City.

- a. Allowed uses shall be limited by the general polices and specific regulations regarding use preferences for water dependent and water oriented uses. Allowed uses may be specified and limited in specific shoreline permits. In the case of non-conforming development, the use

provisions of this code shall be applied to any change of use, including occupancy permits.

- b. In the event of any conflict between Shoreline policies and regulations and any other regulations of the City, Shoreline policies and regulations shall prevail unless other regulations provide greater protection of the shoreline natural environment and aquatic habitat
- c. All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted. Shoreline Master Program policies, found in the City's Comprehensive Plan, establish intent for the shoreline regulations in addition to RCW 90.58 and Chapter 173 of the Washington Administrative Code 173-26 and 173-27.

4-9-197. B.3. Substantial Development Permit: A substantial development permit shall be required for all proposed use and development of shorelines unless the proposal is specifically exempt pursuant to RCW 90.58.140(1). An exemption from obtaining a shoreline substantial development permit is not an exemption from compliance with the Act, this Program, or from any other regulatory requirements.

- a. Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.
- b. The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.
- c. If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire project.

4-9-197. B.4. Shoreline Conditional Use Permit: A development or use that is listed as a shoreline conditional use pursuant to this Program or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

4-9-197. B.5. Shoreline Variance: When a development or use is proposed that does not comply with the bulk, dimensional, and/or performance standards of the Program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.

4-9-197. B.6. Land Division: In the case of land divisions, such as short subdivisions, long plats and planned unit developments, the reviewing official shall document compliance with bulk and dimensional standards as well as policies and regulations of this Program and attach appropriate conditions and/or mitigating measures to such approvals to ensure the design, development activities and future use associated with such land division(s) are consistent with this Program.

4-9-197. B.7. Approval Criteria: In order to be approved, the reviewing official must find that a proposal is consistent with the following criteria:

- a. All regulations of this Program appropriate to the shoreline designation and the type of use or development proposed shall be met, except those bulk and dimensional standards that have been modified by approval of a shoreline variance.
- b. All policies of this Program appropriate to the shoreline area designation and the type of use or development activity proposed shall be considered and substantial compliance demonstrated. A reasonable proposal that cannot fully conform to these policies may be permitted, provided it is demonstrated that the proposal is clearly consistent with the overall goals, objectives and intent of this Program.

- c. For projects located on shorelines of statewide significance, criteria in RCW 90.58.020 and relevant police and regulations of this Program shall be also be adhered to.

4-9-197. B.8. Findings: All permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the Reviewing official, including compliance with bulk and dimensional standards and policies and regulations of this Program. The Reviewing official may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and the Program.

4-9-197. B.9. Building Permit Compliance: For all development within shoreline jurisdiction, the Building Official shall not issue a building permit for such development until compliance with this program has been documented. If a shoreline substantial development permit is required, no permit shall be issued until all comment and appeal periods have expired. Any permit issued by the Building Official for such development shall be subject to the same terms and conditions that apply to the shoreline permit.

4-9-197. B.10. Restoration Project Relief: The City may grant relief from Shoreline Master Program development standards and use regulations when the following apply:

- a. A shoreline restoration project causes or would cause a landward shift in the ordinary high water mark, resulting in the following:
 - i. Land that had not been regulated under this chapter prior to construction of the restoration project is brought under shoreline jurisdiction; or
 - ii. Additional regulatory requirements apply due to a landward shift in required shoreline buffers or other regulations of the applicable Shoreline Master Program; and
 - iii. Application of Shoreline Master Program regulations would preclude or interfere with use of the property permitted by local development regulations, thus presenting a hardship to the project proponent.
- b. The proposed relief meets the following criteria:
 - i. The proposed relief is the minimum necessary to relieve the hardship;
 - ii. After granting the proposed relief, there is net environmental benefit from the restoration project;
 - iii. Granting the proposed relief is consistent with the objectives of the shoreline restoration project and consistent with the Shoreline Master Program; and
 - iv. Where a shoreline restoration project is created as mitigation to obtain a development permit, the project proponent required to perform the mitigation is not eligible for relief under this section.
- c. The application for relief must be submitted to the Department of Ecology for written approval or disapproval. This review must occur during the department's normal review of a shoreline substantial development permit, conditional use permit, or variance. If no such permit is required, then the department shall conduct its review when the local government provides a copy of a complete application and all supporting information necessary to conduct the review.
 - i. Except as otherwise provided in Subsection d of this section, the Department of Ecology shall

provide at least 20-days notice to parties that have indicated interest to the department in reviewing applications for relief under this section, and post the notice on to their web site.

- ii. The department shall act within 30 calendar days of close of the public notice period, or within 30 days of receipt of the proposal from the local government if additional public notice is not required.
- d. The public notice requirements of Subsection c of this section do not apply if the relevant shoreline restoration project was included in a Shoreline Master Program or shoreline restoration plan as defined in WAC 173-26-201, as follows:
 - i. The restoration plan has been approved by the department under applicable Shoreline Master Program guidelines;
 - ii. The shoreline restoration project is specifically identified in the Shoreline Master Program or restoration plan or is located along a shoreline reach identified in the Shoreline Master Program or restoration plan as appropriate for granting relief from shoreline regulations; and
 - iii. The Shoreline Master Program or restoration plan includes policies addressing the nature of the relief and why, when, and how it would be applied.

4-9-197. C. Exemptions from Permit System

The following shall not be considered substantial developments for the purpose of this Master Program and are exempt from obtaining a Shoreline Substantial Development Permit (SSDP). An exemption from an SSDP is not an exemption from compliance with the Act or this Program, or from any other regulatory requirements.

1. Any project with a certification from the Governor pursuant to chapter 80.50 RCW.
2. Any development of which the total cost or fair market value does not exceed five thousand dollars (\$5,000.00), if such development does not materially interfere with the normal public use of the water or shorelines of the state.
3. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements.
 - a. "Normal maintenance" includes those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition.
 - b. "Normal repair" means to restore a development to a state comparable to its original condition, including but not limited to its size, shape, configuration, location and external appearance, within a reasonable period after decay or partial destruction, except where repair causes substantial adverse effects to the shoreline resource or environment.
 - c. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including, but not limited to, its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or environment.
4. Construction of the normal protective bulkhead common to single family residences.

A “normal protective” bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if it is constructed for the purpose of creating additional dry land. Additional construction requirements are found in WAC 173-27-040(2)(c).

5. Emergency construction necessary to protect property from damage by the elements.

- a. An “emergency” is an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time too short to allow for full compliance with this program.
- b. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed to be the appropriate means to address the emergency situation, upon abatement of the emergency situation, the new structure shall be removed or any permit which would have been required, absent an emergency, pursuant to chapter 90.58 RCW, chapter 17-27 WAC or this Shoreline Program shall be obtained.
- c. All emergency construction shall be consistent with the policies of chapter 90.58 RCW and this Program.
- d. In general, flooding or other seasonal events that can be anticipated and may occur, but that are not imminent are not an emergency.

6. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on shorelands, and the construction and maintenance of irrigation structures, including, but not limited to, head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the shorelands by leveling or filling, other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

7. Construction on shorelands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of 35 feet above average grade level as defined in WAC 173-27-030 and which meets all requirements of the State agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this Section.

- a. “Single family” residence means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance. An “appurtenance” is necessarily connected to the use and enjoyment of a single family residence and is located landward of the ordinary high water mark and the perimeter of a wetland.
- b. Construction authorized under this exemption shall be located landward of the ordinary high water mark.

8. Construction of a dock including a community dock designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of single and multi-family residences.

- a. This exception applies if either:

- i. In salt waters, the fair market value of the dock does not exceed two thousand five hundred dollars (\$2,500.00).
 - ii. In fresh waters, the fair market value of the dock does not exceed ten thousand dollars (\$10,000.00); however, if subsequent construction having a fair market value exceeding two thousand five hundred dollars (\$2,500.00) occurs within five (5) years of completion of the prior construction, the subsequent construction shall be considered a substantial development permit.
 - b. A dock is a landing and moorage facility for watercraft and does not include recreational decks, storage facilities or other appurtenances.
9. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.
10. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored groundwater for the irrigation of lands.
11. The marking of property lines or corners on State-owned lands when such marking does not interfere with the normal public use of the surface of the water.
12. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system.
13. Site exploration and investigation activities that are prerequisites to preparation of an application for development authorization under this program, if:
- a. The activity does not interfere with the normal public use of the surface waters.
 - b. The activity will have no significant adverse impact on the environment including, but not limited to, fish, wildlife, fish or wildlife habitat, water quality, and aesthetic values.
 - c. The activity does not involve the installation of a structure, and upon completion of the activity the vegetation and land configuration of the site are restored to conditions existing before the activity.
 - d. A private entity seeking development authorization under this program first posts a performance bond or provides other evidence of financial responsibility to the Development Services Division to ensure that the site is restored to pre-existing conditions.
 - e. The activity is not subject to the permit requirements of RCW 90.58.550.
14. The process of removing or controlling an aquatic noxious weed, as defined in RCW 17.26.020, through the use of a herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other State agencies under chapter 43.21C RCW.
15. Watershed restoration projects as defined below:
- a. "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or a part of the plan and consists of one or more of the following activities:

- i. A project that involves less than ten (10) miles of stream reach, in which less than twenty five (25) cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings.
 - ii. A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water.
 - iii. A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the State, provided that any structure, other than a bridge or culvert or instream habitat enhancement structure associated with the project, is less than two hundred (200) square feet in floor area and is located above the ordinary high water mark of the stream.
- b. "Watershed restoration plan" means a plan, developed or sponsored by a state department, a federally recognized Indian Tribe, a city, a county or a conservation district, for which agency and public review has been conducted pursuant to chapter 43.21C RCW, the State Environmental Policy Act. The watershed restoration plan generally contains a general program and implementation measures or actions for the preservation, restoration, re-creation, or enhancement of the natural resources, character, and ecology of a stream, stream segment, drainage area, or watershed.
16. A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:
- a. The project has been approved in writing by the Department of Fish and Wildlife as necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose.
 - b. The project has received hydraulic project approval by the Department of Fish and Wildlife pursuant to chapter 75.20 RCW.
 - c. The Development Services Division has determined that the project is consistent with this Master Program.
17. Hazardous substance remedial actions pursuant to WAC 173-27-040(3).
18. Actions on land that otherwise would not be under the jurisdiction of the Shoreline Management Act except for a change in the location of OHWM or other criteria due to a shoreline restoration project creating a landward shift in the ordinary high water mark that brings the land under the jurisdiction of the Act.

4-9-197. D. Exemption Certification Procedures

- 1. Any person claiming exemption from the permit requirements of this Master Program as a result of the exemptions specified in this Section shall make application for a no-fee exemption certificate to the Development Services Division in the manner prescribed by that division.
- 2. Any development which occurs within the regulated shorelines of the state under Renton's jurisdiction, whether it requires a permit or not, must be consistent with the intent of the state law.

3. The City may attach conditions to the approval of exempted developments and/or uses as necessary to assure consistency of the project with the Shoreline Management Act and this Program.
4. If any part of a proposed development is not eligible for exemption, then a shoreline permit is required for the entire proposed development project.

4-9-197. E. Shoreline Permit Application Procedures

1. Information Prior to Submitting a Shoreline Substantial Development Permit Application: Prior to submitting an application for a shoreline permit or an exemption from a shoreline permit, the applicant should informally discuss a proposed development with the Development Services Division. This will enable the applicant to become familiar with the requirements of this Master Program, Building and Zoning procedures, and enforcement procedures.

2. Shoreline Substantial Development Permit Required: No shoreline development shall be undertaken on shorelines of the City without first obtaining a "substantial development permit" from the Development Services Division.

3. Shoreline Substantial Development Permit Application Forms and Fees: Submittal requirements and fees shall be as listed in RMC 4-3-090.J.2, Studies Required, and RMC 4-8-120C, Land Use Applications and 4-1-170, Land Use Review Fees.

4. Secondary Review By Independent Qualified Professionals: When appropriate due to the type of critical areas, habitat, or species present, or project area conditions, the Reviewing Official may require the applicant to prepare or fund analyses or activities conducted by third party or parties selected by the Reviewing Official and paid for by the applicant. Analyses and/or activities conducted under this Subsection include, but are not limited to:

- a. Evaluation by an independent qualified professional of the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate; and
- b. A request for consultation with the Washington Department of Fish and Wildlife, Washington State Department of Ecology, or the local Native American Indian Tribe or other appropriate agency; and/or
- c. Analysis of detailed surface and subsurface hydrologic features both on and adjacent or abutting to the site.

5. Public Notice: Three (3) copies of a notice of development application shall be posted prominently on the property concerned and in conspicuous public places within three hundred (300) feet thereof. The notice of development application shall also be mailed to property owners within three hundred (300) feet of the boundaries of the subject property. The required contents of the notice of development application are detailed in RMC 4-8-090B, Public Notice Requirements.

6. Standard Public Comment Time: Each notice of development application shall include a statement that persons desiring to present their views to the Development Services Division with regard to said application may do so in writing to that Division and persons interested in the Development Services Division's action on an application for a permit may submit their views in writing or notify the Development Services Division in writing of their interest within thirty (30) days from the date of the notice of application.

7. Special Public Comment Time: Notice of development application for a substantial development permit regarding a limited utility extension as defined in RCW 90.58.140 (11)(b) or for the construction

of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall include a twenty (20) day comment period.

Such notification or submission of views to the Development Services Division shall entitle those persons to a copy of the action taken on the application.

8. Review Guidelines: Unless exempted or authorized through the variance or conditional use permit provisions of this Master Program, no substantial development permit and no other permit shall be granted unless the proposed development is consistent with the provisions of this Master Program, the Shoreline Management Act of 1971, and the rules and regulations adopted by the Department of Ecology thereunder.

9. Conditional Approval: Should the Development Services Division Director or his/her designee find that any application does not substantially comply with criteria imposed by the Master Program and the Shoreline Management Act of 1971, he/she may deny such application or attach any terms or condition which he/she deems suitable and reasonable to effect the purpose and objective of this Master Program.

10. Notification of City Departments: It shall be the duty of the Development Services Division to timely furnish copies of all applications and actions taken by said division unto such other officials or departments whose jurisdiction may extend to all or any part of the proposed development.

4-9-197. F. Review Criteria

1. General: The Development Services Division shall review an application for a permit based on the following:

- a. The application.
- b. The environmental impact statement, if one is required.
- c. Written comments from interested persons.
- d. Information and comments from all affected City departments.
- e. Evidence presented at a public hearing.
- f. No authorization to undertake use or development on shorelines of the state shall be granted by the Responsible Official unless upon review the use or development is determined to be consistent with the policy and provisions of the Shoreline Management Act and the Renton Shoreline Master Program.

2. Additional Information: The Development Services Division may require an applicant to furnish information and data in addition to that contained or required in the application forms prescribed. Unless an adequate environmental statement has previously been prepared for the proposed development by another agency, the City's Environmental Review committee shall cause to be prepared such a statement, prior to granting a permit, when the State Environmental Policy Act of 1971 would require such a statement.

3. Procedural Amendments: In addition to the criteria hereinabove set forth in this Section, the Planning/Building/Public Works Department may from time-to-time promulgate additional procedures or criteria and such shall become effective, when reduced to writing, and filed with the City Clerk and as approved by the City Council and the Department of Ecology.

4. Burden of Proof on Applicant: The burden of proving that the proposed substantial development is consistent with the criteria which must be met before a permit is granted shall be on the applicant.

4-9-197. G. Bonds

The Development Services Division may require the applicant to post a bond in favor of the City of Renton to assure full compliance with any terms and conditions imposed by said department on any shoreline permit. Said bond shall be in an amount to reasonably assure the City that any deferred improvement will be carried out within the time stipulated.

4-9-197. H. Administrative Appeals

The Planning/Building/Public Works Department shall have the final authority to interpret the Master Program for the City of Renton. Where an application is denied or changed, per Subsection E6 of this Section, an applicant may appeal the decision denying or changing a “substantial development permit” to the Shoreline Hearings Board for an open record appeal in accordance with RMC 4-8-110. See RMC 4-8-110H for appeal procedures to the Shoreline Hearings Board.

4-9-197. I. Variances and Conditional Uses

1. Purpose: The power to grant variances and conditional use permits should be utilized in a manner which, while protecting the environment, will assure that a person will be able to utilize his property in a fair and equitable manner.

2. Authority

- a. Conditional use permits: conditional use permits shall be processed either by the City Hearing Examiner or administratively in accordance with the provisions to RMC 4-2-060 Zoning Use Table, provided that:
 - i. Additional requirements for conditional use permits may be provided within shoreline jurisdiction in this section and will prevail over the provisions of RMC 4-2-060.
 - ii. If an administrative process is not specified, a conditional use permit shall be processed by the Hearing Examiner.
 - iii. Proposed uses not specified in this Section or in RMC 4-2-060 and not prohibited may be allowed by Hearing Examiner conditional use permit.
- b. Variances: The Renton Land Use Hearing Examiner shall have authority to grant conditional use permits and variances in the administration of the Renton Master Program.
- c. State Department of Ecology Decision: Both variances and conditional use permits are forwarded to the Department of Ecology and the Attorney General’s office for approval or denial.
- d. Time Limit, Permit Validity, and Appeals: Conditional permits and variances shall be deemed to be approved within thirty (30) calendar days from the date of receipt by the Department of Ecology and the Attorney General’s office unless written communication is received by the applicant and the City indicating otherwise.
 - i. Conditional use permits and variances shall be filed with the State in accordance with RCW 90.58.140(6) and WAC 173-27-130.

- ii. Permit validity requirements of Subsection J of this Section shall apply to conditional use and variance permits.
- iii. Appeals of conditional use or variance permits shall be made in accordance with RMC 4-8-110H.

3. Interpretation: It shall be recognized that a lawful use at the time the Master Program is adopted is to be considered a permitted use, and maintenance and restoration shall not require a variance or a conditional use permit.

4. Variances

- a. Purpose: Upon proper application, a substantial development permit may be granted which is at variance with the criteria established in the Renton Master Program where, owing to special conditions pertaining to the specific piece of property, the literal interpretation and strict application of the criteria established in the Renton Master Program would cause undue and unnecessary hardship or practical difficulties.
- b. Decision Criteria: The fact that the applicant might make a greater profit by using his property in a manner contrary to the intent of the Master Program is not, by itself, sufficient reason for a variance. The Land Use Hearing Examiner must find each of the following:
 - i. Exceptional or extraordinary circumstances or conditions applying to the subject property, or to the intended use thereof, that do not apply generally to other properties on shorelines in the same vicinity.
 - ii. The variance permit is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties on shorelines in the same vicinity.
 - iii. The variance permit will not be materially detrimental to the public welfare or injurious to property on the shorelines in the same vicinity.
 - iv. The variance granted will be in harmony with the general purpose and intent of this Master Program.
 - v. The public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied, but each property owner shall be entitled to the reasonable use and development of his lands as long as such use and development is in harmony with the general purpose and intent of the Shoreline Management Act of 1971, and the provisions of this Master Program.
 - vi. The proposal meets the variance criteria in WAC 173-27-170.

5. Conditional Use

- a. Purpose: Upon proper application, a conditional use permit may be granted. The objective of a conditional use provision is to provide more control and flexibility for implementing the regulations of the Master Program. With provisions to control undesirable effects, the scope of uses can be expanded to include many uses.
- b. Decision Criteria: Uses classified as conditional uses can be permitted only after consideration and

by meeting such performance standards that make the use compatible with other permitted uses within that area. A conditional use permit will be granted subject to each of the following conditions:

- i. The use must be compatible with other permitted uses within that area.
- ii. The use will not interfere with the public use of public shorelines.
- iii. Design of the site will be compatible with the surroundings and the City's Master Program.
- iv. The use shall be in harmony with the general purpose and intent of the City's Master Program.
- v. The use meets the conditional use criteria in WAC 173-27-160.

4-9-197. J. Time Requirements for Shoreline Permits

1. Applicability and Modification at Time of Approval

- a. The time requirements of this Section shall apply to all substantial development permits and to any development authorized pursuant to a variance or conditional use permit authorized under this Program.
- b. If it is determined that standard time requirements of Subsections J2 and J3 of this Section should not be applied, the Development Services Division shall adopt appropriate time limits as a part of action on a substantial development permit upon a finding of good cause, based on the requirements and circumstances of the project proposed and consistent with the policy and provisions of this Master Program and RCW 90.58.143. If it is determined that standard time requirements of Subsections J2 and J3 of this Section should not be applied, the Hearing Examiner, upon a finding of good cause and with the approval of the Department of Ecology, shall establish appropriate time limits as a part of action on a conditional use or variance permit. "Good cause" means that the time limits established are reasonably related to the time actually necessary to perform the development on the ground and complete the project that is being permitted.
- c. Where specific provisions are not included to establish time limits on a permit as part of action on a permit by the City or the Department of Ecology, the time limits in Subsections J2 and J3 of this Section apply.
- d. Requests for permit extension shall be made in accordance with Subsections J2 and J3 of this Section.

2. Construction Commencement

- a. Unless a different time period is specified in the shoreline permit as authorized by RCW 90.58.143 and Subsection J1 of this Section, construction activities, or a use or activity, for which a permit has been granted pursuant to this Master Program must be commenced within two (2) years of the effective date of a shoreline permit, or the shoreline permit shall terminate, and a new permit shall be necessary. However, the Development Services Division may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed with the Division before the expiration date, and notice of the proposed extension is given to parties of record and the Department of Ecology.

- b. Construction activities or commencement of construction referenced in Subsection J2a of this Section means that construction applications must be submitted, permits must be issued, and foundation inspections must be completed before the end of the two (2) year period.

3. Construction Completion: A permit authorizing construction shall extend for a term of no more than five (5) years after the effective date of a shoreline permit, unless a longer period has been specified pursuant to RCW 90.58.143 and Subsection J1 of this Section. If an applicant files a request for an extension prior to expiration of the shoreline permit the Development Services Division shall review the permit and upon a showing of good cause may authorize a single extension of the shoreline permit for a period of up to one year. Otherwise said permit shall terminate. Notice of the proposed permit extension shall be given to parties of record and the Department of Ecology. To maintain the validity of a shoreline permit, it is the applicant's responsibility to maintain valid construction permits in accordance with adopted Building Codes.

4. Effective Date

- a. For purposes of determining the life of a shoreline permit, the effective date of a substantial development permit, shoreline conditional use permit, or shoreline variance permit shall be the date of filing as provided in RCW 90.58.140(6). The permit time periods in Subsections J2 and J3 of this Section do not include the time during which a use or activity was not actually pursued due to the pendency of administrative appeals or legal actions, or due to the need to obtain any other government permits and approvals for the development that authorize the development to proceed, including all reasonably related administrative or legal actions on any such permits or approvals.
- b. It is the responsibility of the applicant to inform the Development Services Division of the pendency of other permit applications filed with agencies other than the City, and of any related administrative or legal actions on any permit or approval. If no notice of the pendency of other permits or approvals is given to the Division prior to the expiration date established by the shoreline permit or the provisions of this Section, the expiration of a permit shall be based on the effective date of the shoreline permit.
- c. The City shall issue permits within applicable time limits specified in the Type III and Type VI review processes in RMC 4-8-080H. Substantial development permits for a limited utility extension as defined in RCW 90.58.140(11)(b) or for the construction of a bulkhead or other measures to protect a single family residence and its appurtenant structures from shoreline erosion shall be issued within 21 days of the last day of the comment period specified in RMC 4-9-197E3.

5. Review Period – Construction Authorization

- a. No construction pursuant to such permit shall begin or be authorized and no building, grading or other construction permits or use permits shall be issued by the City until 21 days from the date the permit was filed with the Department of Ecology and the Attorney General, or until all review proceedings are completed as were initiated within the twenty one (21) days of the date of filing. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.
- b. If the granting of a shoreline permit by the City is appealed to the Shoreline Hearings Board, and the Shoreline Hearings Board has approved the granting of the permit, and an appeal for judicial review of the Shoreline Hearings Board decision is filed, construction authorization may occur subject to the conditions, time periods, and other provisions of RCW 90.58.140(5)(b).

4-9-197. K. Rulings to State

Any ruling on an application for a substantial development permit under authority of this Master Program, whether it is an approval or denial, shall, with the transmittal of the ruling to the applicant, be filed concurrently with the Department of Ecology and the Attorney General by the Development Services Division. Filing shall occur in accordance with RCW 90.58.140(6) and WAC 173-27-130.

4-9-197. L. Transferability of Permit

If a parcel which has a valid shoreline permit is sold to another person or firm, such permit may be transferred to the new owner.

4-9-197. M. Enforcement

All provisions of this Master Program shall be enforced by the Development Services Division. For such purposes, the Director or his duly authorized representative shall have the power of a police officer.

4-9-197. N. Rescission of Permits

1. Noncompliance with Permit: Any shoreline permit issued under the terms of this Master Program may be rescinded or suspended by the Development Services Division of the City upon a finding that a permittee has not complied with conditions of the permit.

2. Notice of Noncompliance: Such rescission and/or modification of an issued permit shall be initiated by serving written notice of noncompliance on the permittee, which notice shall be sent by registered or certified mail, return receipt requested, to the address listed on the application or to such other address as the applicant or permittee may have advised the City; or such notice may be served on the applicant or permittee in person or his agent in the same manner as service of summons as provided by law.

3. Posting: In addition to such notice, the Development Services Division shall cause to have notice posted in three (3) public places of which one posting shall be at or within the area described in the permit.

4. Public Hearing: Before any such permit can be rescinded, a public hearing shall be held by the Land Use Hearing Examiner. Notice of the public hearing shall be made in accordance with RMC 4-8-090D, Public Notice Requirements.

5. Final Decision: The decision of the Land Use Hearing Examiner shall be the final decision of the City on all rescinded applications. A written decision shall be transmitted to the Department of Ecology, the Attorney General's office, the applicant, and such other departments or boards of the City as are affected thereby and the legislative body of the City.

4-9-197. O. Appeals

See RMC 4-8-110H.

4-9-197. H. Violations and Penalties

1. Prosecution: Every person violating any of the provisions of this Master Program or the Shoreline Management Act of 1971 shall be punishable under conviction by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding 90 days, or by both such fine and imprisonment, and each day's violation shall constitute a separate punishable offense.

2. Injunction: The City Attorney may bring such injunctive, declaratory or other actions as are necessary to insure that no uses are made of the shorelines of the State the City's jurisdiction which are in conflict

with the provisions and programs of this Master Program or the Shoreline Management Act of 1971, and to otherwise enforce provisions of this Section and the Shoreline Management Act of 1971.

3. Public and Private Redress: Any person subject to the regulatory program of this Master Program who violates any provision of this Master Program or the provisions of a permit issued pursuant thereto shall be liable for all damages to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to such violation. The City Attorney may bring suit for damages under this subsection on behalf of the City. Private persons shall have the right to bring suit for damages under this subsection on their own behalf and on behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by violation, the Court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including monetary damages, the Court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

4-9-197. Q. Shoreline Moratorium

1. The City Council may adopt moratoria or other interim official controls as necessary and appropriate to implement the provisions of the Shoreline Management Act.
2. Prior to adopting such moratorium or other interim official controls, the City Council shall:
 - a. Hold a public hearing on the moratorium or control within 60 days of adoption;
 - b. Adopt detailed findings of fact that include, but are not limited to, justifications for the proposed or adopted actions and explanations of the desired and likely outcomes; and
 - c. Notify the Department of Ecology of the moratorium or control immediately after its adoption. The notification must specify the time, place, and date of any public hearing held.
3. Said moratorium or other official control shall provide that all lawfully existing uses, structures, or other development shall continue to be deemed lawful conforming uses and may continue to be maintained, repaired, and redeveloped, so long as the use is not expanded, under the terms of the land use and shoreline rules and regulations in place at the time of the moratorium.
4. Said moratorium or control adopted under this section may be effective for up to six months if a detailed work plan for remedying the issues and circumstances necessitating the moratorium or control is developed and made available for public review. A moratorium or control may be renewed for two six-month periods if the City Council complies with Subsection 4-9-197.Q.2.a. before each renewal.
5. If a moratorium or control is in effect on the date a proposed Master Program or amendment is submitted to the Department of Ecology, the moratorium or control must remain in effect until the department's final action under RCW 90.58.090; however, the moratorium expires six months after the date of submittal if the department has not taken final action.

SECTION V. Renton Municipal Code Chapter 3 ENVIRONMENTAL REGULATIONS AND OVERLAY DISTRICTS Section 4-10-095 Shoreline Master Program, Nonconforming Uses, Activities, Structures and Sites is adopted as follows:

4-10-095 Shoreline Master Program, Nonconforming Uses, Activities, Structures, and Sites

A shoreline use or development which was lawfully constructed or established prior to the effective date of the applicable Shoreline Master Program, or amendments thereto, but which does not conform to present regulations or standards of the program, may be continued provided that:

4-10-095. A. Nonconforming Structures: Nonconforming structures shall be governed by RMC 4-10-050.

4-10-095. B. Nonconforming Uses. Nonconforming uses shall be governed by RMC 4-10-060.

4-10-095. C. Nonconforming Site: A lot which does not conform to development regulations on a site not related to the characteristics of a structure including, but not limited to, the vegetation conservation, shoreline stabilization, landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening and other regulations of the district in which it is located due to changes in Code requirements, condemnation or annexation.

4-10-095. D. Pre-Existing Legal Lot: Reserved.

4-10-095. E. Continuation of Use: The continuation of existing use and activities does not require prior review or approval. Operation, maintenance, or repair of existing legally established structures, infrastructure improvements, utilities, public or private roads, or drainage systems, that do not require construction permits, if the activity does not modify the character, scope, or size of the original structure or facility or increase the impact to, or encroach further within, the sensitive area or buffer and there is no increased risk to life or property as a result of the proposed operation, maintenance, or repair. Operation and maintenance includes vegetation management performed in accordance with best management practices that is part of ongoing maintenance of structures, infrastructure, or utilities, provided that such management actions are part of regular and ongoing maintenance, do not expand further into the sensitive area, are not the result of an expansion of the structure or utility, and do not directly impact an endangered or threatened species;

4-10-095. F. Partial and Full Compliance, Alteration of Nonconforming Structure or Site

The following provisions shall apply to lawfully established uses, buildings and/or structures and related site development that do not meet the specific standards of this Program. Alteration or expansion of existing structures may take place with partial compliance with the standards of this code, as provided below, provided that the proposed alteration or expansion will result in no net loss of shoreline ecological function.

4-10-095. F.1. The following provisions shall apply to all development except single family:

- a. Minor alteration or renovation shall be defined as alteration or renovation of any structure, or making other improvements, that result in any of the following over a cumulative period of three years:
 - i. Expansion of building footprint area by up to 10 percent, whichever is less; provided that said expansion shall not extend either further waterward than the existing structure, and shall comply with all other dimensional standards, or
 - ii. Expansion of impervious surface by up to 10 percent, whichever is less; provided that said expansion shall not extend either further waterward than the existing structure, and shall comply with all other dimensional standards, or c. Remodeling or renovation that equals less than 30 percent of the replacement value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems and normal repair and maintenance.
- b. Minor alteration shall require partial compliance with performance standards, including:

- i. Partial compliance with Vegetation Management provisions of Subsection 4-3-090.G.1 consisting of revegetation to a native vegetation community of at least 50 percent of the area between an existing building and the water's edge or at least 15 feet.
 - ii. Any over-water structures that do not serve a permitted water dependent or public access use shall be removed.
- c. Moderate alteration or renovation shall be defined as the alteration or renovation of any structure, or making other improvements, that result in any of the following:
 - i. Expansion of building footprint area by 500 square feet or more, or by more than 10 percent but no more than 25 percent, whichever is less; provided that said expansion shall not extend either further waterward than the existing structure, and shall comply with all other dimensional standards;
 - ii. Expansion of impervious surface by more than 1,000 square feet, or by more than 10 percent but less than 25 percent, whichever is less; provided that said expansion shall not extend either further waterward than the existing structure, and shall comply with all other dimensional standards; or
 - iii. Remodeling or renovation equal to or greater than 30 percent but less than 50 percent of the value of the existing structures or improvements, excluding plumbing, electrical and mechanical systems.
- d. Moderate alteration shall require partial compliance with performance standards, including:
 - i. Partial compliance with Vegetation Management provisions of Subsection 4-3-090.G.1 consisting of revegetation to a native vegetation community of at least 80 percent of the area between an existing building and the water's edge or at least 15 feet.
 - ii. Any over-water structures that do not serve a permitted water dependent or public access use shall be removed, and any over-water structure that does not meet dimensional standards of this program shall be altered to conform to the standards for new facilities.
 - iii. Bulkheads not conforming to the provision of this code shall be replaced with conforming bulkheads in accordance with standards for new bulkheads.
- e. Substantial alteration or redevelopment shall be defined as alteration or renovation of any structure, or making other improvements, that result in any of the following:
 - i. Expansion of building footprint area by 25 percent or more, or the expansion of impervious surface by 25 percent or more; or
 - ii. Remodeling or renovation equal to or exceeding 50 percent of the value of the existing structures or improvements, excluding plumbing and mechanical systems.
- f. Such substantial reconstruction shall be considered the same as new construction and shall fully comply with the provisions of this code for all features of the use and site including, but not limited to primary and accessory structures, docks and bulkheads that shall meet standards for new facilities.

4-10-095. F.2. Provisions for single family development

- a. Minor alteration or renovation of a single family development shall be defined as alteration or renovation of any structure, or making other improvements, that result in any of the following over a cumulative period of three years:
 - i. Expansion of building footprint area by up to 500 square feet, or by up to 10 percent, whichever is less; provided that said expansion shall not extend either further waterward than the existing structure, and shall comply with all other dimensional standards, or
 - ii. Expansion of impervious surface by up to 1,000 square feet, or by up to 10 percent, whichever is less; provided that said expansion shall not extend either further waterward than the existing structure, and shall comply with all other dimensional standards.
- b. Minor alteration shall require partial compliance with performance standards, including:
 - i. Partial compliance with Vegetation Management provisions of Subsection 4-3-090.G.1 consisting of revegetation to a native vegetation community of at least 50 percent of the area between an existing building and the water's edge provided that the area to be revegetated shall not be more than 15 feet.
 - ii. Any over-water structures that do not serve a permitted water dependent or public access use shall be removed.
- c. Moderate alteration or renovation shall be defined as the alteration or renovation of any structure, or making other improvements, that result in any of the following:
 - i. Expansion of building footprint area by 500 square feet or more, or by more than 10 percent but no more than 25 percent, whichever is less; provided that said expansion shall not extend either further waterward than the existing structure, and shall comply with all other dimensional standards, or
 - ii. Expansion of impervious surface by more than 1,000 square feet, or by more than 10 percent but less than 25 percent, whichever is less; provided that said expansion shall not extend either further waterward than the existing structure, and shall comply with all other dimensional standards.
- d. Moderate alteration shall require partial compliance with performance standards, including:
 - i. Partial compliance with Vegetation Management provisions of Subsection 4-3-090.G.1 consisting of revegetation to a native vegetation community of at least 80 percent of the area between an existing building and the water's edge or at least 15 feet, provided that, the area to be revegetated shall not be more than 25 percent of lot depth feet.
 - ii. Any over-water structures that do not serve a permitted water dependent or public access use shall be removed, and any over-water structure that does not meet dimensional standards of this program shall be altered to conform to the standards for new facilities.
 - iii. Bulkheads not conforming to the provision of this code shall be replaced with conforming bulkheads in accordance with standards for new bulkheads.

- e. Substantial alteration or redevelopment shall be defined as alteration or renovation of any structure, or making other improvements, that result in expansion of building footprint area by 25 percent or more, or the expansion of impervious surface by 25 percent or more.
- f. Such substantial reconstruction shall be considered the same as new construction and shall fully comply with the provisions of this code for all features of the use and site including, but not limited to primary and accessory structures, docks and bulkheads that shall meet standards for new facilities, provided that the setback from the building to the water's edge may be retained if compliance with standard building setbacks would not increase the setback distance by more than 25 percent.

SECTION VI. Renton Municipal Code Chapter 3 ENVIRONMENTAL REGULATIONS AND OVERLAY DISTRICTS Section 4-10-095 Definitions is amended to add the following definitions specific to the Shoreline Master Program

SHORELINE DEFINITIONS IN RENTON MUNICIPAL CODE CHAPTER 4-11

4-11-010 DEFINITIONS A:

ACT, SHORELINE MANAGEMENT: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) The Shoreline Management Act of 1971, chapter 90.58 RCW as amended.

ACTIVITY: A happening associated with a use; the use of energy toward a specific action or pursuit. Examples of shoreline activities include but are not limited to fishing, swimming, boating, dredging, fish spawning, wildlife nesting, or discharging of materials. Not all activities necessarily require a shoreline location.

AQUACULTURE: The culture of farming of aquatic animals and plants.

4-11-020 DEFINITIONS B:

BOAT LAUNCHING RAMP: A facility with an inclined surface extending into the water which allows launching of boats directly into the water from trailers.

BREAKWATER: A protective structure, usually built off-shore for the purpose of protecting the shoreline or harbor area from wave action.

BUFFER, SHORELINES: BUFFER, SHORELINES: A strip of land that is designated to permanently remain vegetated in an undisturbed and natural condition to protect an adjacent aquatic, riparian, or wetland site from upland impacts, to provide habitat for wildlife and to afford limited public access.

BULKHEAD: A vertical wall constructed of rock, concrete, timber, sheet steel, gabions, or patent system materials. Rock bulkheads are often termed "vertical rock walls." Seawalls are similar to bulkheads, but more robustly constructed.

BUOY: A floating object anchored in a lake, river, etc., to warn of rocks, shoals, etc., or used for boat moorage.

4-11-030 DEFINITIONS C:

CIRCULATION: The movement of passengers or goods to, from, over, or along a transportation corridor.

CONDITIONAL USE, SHORELINE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A use, development, or substantial development which is classified as a conditional use or is not classified within the applicable Master Program.

CORRIDOR: A strip of land forming a passageway between two (2) otherwise separate parts.

4-11-040 DEFINITIONS D:

DEVELOPMENT: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A use consisting of the construction of exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any other projects of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to the Act at any state of water level.

DOCK: A fixed or floating platform extending from the shore over the water.

DREDGING: The removal of earth from the bottom or banks of a body of water.

4-11-050 DEFINITIONS E:

ECONOMIC DEVELOPMENT: A development which provides a service, produces goods or a product, retails a commodity, or emerges in any other use or activity for the purpose of making financial gain.

4-11-060 DEFINITIONS F:

FAIR MARKET VALUE: The open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials

FLOOD CONTROL: Any undertaking for the conveyance, control, storage, and dispersal of flood waters.

FLOOD, ONE HUNDRED (100) YEAR: The maximum flood expected to occur during a one-hundred (100) year period.

FLOODPLAIN: The area subject to a one hundred (100) year flood.

FLOODWAY: For purposes of determining the jurisdiction of the Shoreline Master Program in conjunction with the definition of "shoreland," "floodway" means the area, as identified in a Master Program, that either: (i) Has been established in federal emergency management agency flood insurance rate maps or floodway maps; or (ii) consists of those portions of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition, topography, or other indicators of flooding that occurs with reasonable regularity, although not necessarily annually. Regardless of the method used to identify the floodway, the floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

4-11-070 DEFINITIONS G:

4-11-080 DEFINITIONS H:

HEARINGS BOARD: The Shorelines Hearings Board established by the Act.

HIGH RISE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A structure exceeding seventy-five (75) feet in height.

4-11-090 DEFINITIONS I:

4-11-100 DEFINITIONS J:

4-11-110 DEFINITIONS K:

4-11-120 DEFINITIONS L:

LANDFILL: Creation or maintenance of beach or creation of dry upland area by the deposit of sand, soil, gravel or other materials into shoreline areas.

LICENSED ENGINEER: A professional engineer, licensed to practice in the State of Washington.

LOCAL SERVICE UTILITIES: Public or private utilities normally servicing a neighborhood or defined subarea in the City, i.e., telephone exchanges; sewer, both storm and sanitary; distribution lines, electrical less than fifty five (55) kV, telephone, cable TV, etc.

4-11-130 DEFINITIONS M:

MAJOR SERVICE UTILITY: Public or private utilities which provide services beyond the City's boundaries, i.e., pipelines, natural gas, water, sewer, petroleum; electrical transmission lines fifty five (55) kv or greater; and regional sewer or water treatment plants, etc.

MARINA: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A use providing moorage for pleasure craft, which also may include boat launching facilities, storage, sales, and other related services.

MASTER PROGRAM: The comprehensive shoreline use plan for the City of Renton and the use regulations, together with maps, diagrams, charts or other descriptive material and text, and a statement of desired goals and standards developed in accordance with the policies enunciated in Section 2 of the Act.

MOORAGE: Any device or structure used to secure a vessel for temporary anchorage, but which is not attached to the vessels. Examples of moorage are docks or buoys.

MULTIPLE-USE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) The combining of compatible uses within one development, of which the major use or activity is water-oriented. All uses or activities other than the major one are directly related and necessary to the major use or activity.

4-11-140 DEFINITIONS N:

NONCONFORMING SITE . A lot which does not conform to development regulations not related to the characteristics of a structure but to the facilities provided on a site including but not limited to, the vegetation conservation, shoreline stabilization, landscaping, parking, fence, driveway, street opening, pedestrian amenity, screening and other regulations of the district in which it is located due to changes in Code requirements, or annexation.

4-11-150 DEFINITIONS O:

OPEN SPACE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A land area allowing view, use or passage which is almost entirely unobstructed by buildings, paved areas, or other manmade structures.

ORDINARY HIGH WATER MARK: On lakes and streams, that mark found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists as of the effective date of regulations, as it may naturally change thereafter, or as it may change in accordance with permits issued by the City or State. The following criteria clarify this mark on lakes and streams:

A. Lakes. Where the ordinary high water mark cannot be found, it shall be the line of mean high water.

B. Streams. Where the ordinary high water mark cannot be found, it shall be the line of mean high water. For braided streams, the ordinary high water mark is found on the banks forming the outer limits of the depression within which the braiding occurs.

4-11-160 DEFINITIONS P:

PARTY OF RECORD: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) All persons, agencies or organizations who have submitted written comments in response to a notice of application; made oral comments in a formal public hearing conducted on the application; or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail.

PERMIT, SHORELINE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Any substantial development, variance, conditional use permit, or revision authorized under chapter 90.58 RCW.

PIER: A general term including docks and similar structures consisting of a fixed or floating platform extending from the shore over the water.

PLANNED URBAN DEVELOPMENT: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Special contractual agreement between the developer and a governmental body governing development of land.

PUBLIC ACCESS: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A means of physical approach to and along the shoreline available to the general public. This may also include visual approach.

PUBLIC INTEREST: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) The interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from a use or development.

4-11-170 DEFINITIONS Q:

4-11-180 DEFINITIONS R:

RECREATION: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) The refreshment of body and mind through forms of play, amusement or relaxation. The recreational experience may be active, such as boating, fishing, and swimming, or may be passive such as enjoying the natural beauty of the shoreline or its wildlife.

4-11-190 DEFINITIONS S:

SETBACK: (For purposes of the Shoreline Master Program.) A required open space specified in the Shoreline Master Program, measured horizontally upland from and perpendicular to the ordinary high water mark.

SHORELAND or SHORELAND AREAS: Those lands extending landward for two hundred feet (200) in all directions, as measured on a horizontal plane from ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet (200) from such floodways; and all marshes, bogs, swamps, and river deltas, associated with streams, lakes and tidal waters which are subject to the provisions of the State Shorelines Management Act. For purposes of determining jurisdictional area, the boundary will be either two hundred feet (200) from the ordinary high water mark, or two hundred feet (200) from the floodway, whichever is greater.

SHORELINES: All of the water areas of the State regulated by the City of Renton, including reservoirs, and their associated shorelands, together with the lands underlying them, except:

1. Shorelines of statewide significance.
2. Shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments.
3. Shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes.

SHORELINES OF STATEWIDE SIGNIFICANCE: Those shorelines described in RCW 90.58.030(2)(e).

SHORELINES OF THE STATE: The total of all "shorelines" and "shorelines of statewide significance" regulated by the City of Renton.

STRUCTURE: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A permanent or temporary edifice or building, or any piece of work artificially built or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels.

SUBDIVISION: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) A parcel of land divided into two (2) or more parcels.

SUBSTANTIAL DEVELOPMENT: Any development of which the total cost or fair market value exceeds five thousand dollars (\$5,000) or any development which materially interferes with the normal public use of the water or shoreline of the State. Exemptions in RCW 90.58.030(3)(e) and in RMC 4-9-190C are not considered substantial developments.

SUBSTANTIAL DEVELOPMENT PERMIT: The shoreline management substantial development permit provided for in Section 14 of the Shoreline Management Act of 1971 (RCW 90.58.140).

4-11-200 DEFINITIONS T:

4-11-210 DEFINITIONS U:

UNIQUE AND FRAGILE AREAS: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Those portions of the shoreline which (1) contain or substantially contribute to the maintenance of endangered or valuable forms of life and (2) have unstable or potentially hazardous topographic, geologic or hydrologic features (such as steep slopes, marshes).

USE:

A. Uses, Permitted: Land uses allowed outright within a zone. Uses accessory to permitted uses are treated in RMC 4-11-010 and 4-2-050.

B. Uses, Prohibited: Any such use not specifically enumerated or interpreted as allowable in that district. See RMC 4-2-050.

C. Uses, Residential: Developments where persons reside including but not limited to single family dwellings, apartments, and condominiums.

D. Uses, Unclassified: A use which does not appear in a list of permitted, conditional, or accessory uses, but which is interpreted by the Responsible Official, as similar to a listed permitted, conditional, or accessory use and not otherwise prohibited. See RMC 4-2-050.

4-11-220 DEFINITIONS V:

VESSEL: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water.

4-11-230 DEFINITIONS W:

WATER-DEPENDENT: Referring to uses or portions of a use which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. Examples of water-dependent uses may include ship cargo terminal loading areas, ferry and passenger terminals, barge loading facilities, ship building and dry docking, marinas, aquaculture, float plane facilities and sewer outfalls.

WATER-ENJOYMENT: Referring to a recreational use, or other use facilitating public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through the location, design and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. Primary water-enjoyment uses may include, but are not limited to, parks, piers and other improvements facilitating public access to the shorelines of the state; and general water-enjoyment uses may include, but are not limited to, restaurants, museums, aquariums, scientific/ecological reserves, resorts/hotels and mixed use commercial/office; provided that such uses conform to the above water-enjoyment specifications and the provisions of the Shoreline Master Program.

WATER-ORIENTED/NON-WATER-ORIENTED: "Water-oriented" refers to any combination of water-dependent, water-related, and/or water-enjoyment uses and serves as an all-encompassing definition for priority uses under the Shoreline Management Act. "Non-water-oriented" serves to describe those uses which have little or no relationship to the shoreline and are not considered priority uses under the Shoreline Management Act. Examples of non-water-oriented uses include professional offices, automobile sales or repair shops, mini-storage facilities, multi-family residential development, department stores and gas stations; these uses may be considered water-oriented where there is significant public access.

WATER-RELATED: Referring to a use or portion of a use which is not intrinsically dependent on a waterfront location, but whose economic viability is dependent upon a waterfront location because:

1. Of a functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or
2. The use provides a necessary service supportive of the water-dependent commercial activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Examples include manufacturers of ship parts large enough that transportation becomes a significant factor in the

products cost, professional services serving primarily water-dependent activities and storage of water-transported foods.

Examples of water-related uses may include warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage.

WETLANDS: (This definition for RMC 4-3-090, Shoreline Master Program Regulations, use only.) Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include artificial wetlands created from nonwetland areas to mitigate the conversion of wetlands.

4-11-250 DEFINITIONS Y:

4-11-260 DEFINITIONS Z: